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AMATEUR SPORTS

HEARINGS BEFORE THE COMMITTEE ON COMMERCE UNITED STATES SENATE NINETY-THIRD CONGRESS

FIRST SESSION

ON

S. 1018

TO CREATE A NATIONAL COMMISSION ON THE OLYMPIC GAMES TO REVIEW THE QUESTION OF UNITED STATES PARTICIPATION IN THE OLYMPIC GAMES AND TO EVALUATE AND FORMULATE RECOMMENDATIONS CONCERNING SUCH PARTICIPATION

S. 1192

TO ESTABLISH A FEDERAL AMATEUR SPORTS COMMISSION

S. 1580

TO REGULATE INTERSTATE AND FOREIGN COMMERCE AS IT RELATES TO THE CONDUCT OF ORGANIZED AMATEUR ATHLETIC COMPETITION WITHIN THE UNITED STATES AND THE PARTICIPATION OF AMERICAN ATHLETES IN INTERNATIONAL AMATEUR ATHLETIC COMPETITION

S. 1690

TO ESTABLISH A NATIONAL AMATEUR SPORTS DEVELOPMENT FOUNDATION

MAY 22, 23, AND 24, 1973

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CONTENTS

	Page
Opening statement by Senator Tunney-----	1
Opening statement by Senator Pearson-----	2
Opening statement by Senator Cook-----	3
Opening statement by Senator Beall-----	4
Text of bills:	
S. 1018-----	5
S. 1192-----	11
S. 1580-----	28
S. 1690-----	38

CHRONOLOGICAL LIST OF WITNESSES

MAY 22, 1973

Chaffee, Suzy-----	56
Connolly, Harold-----	50
Davenport, Willie-----	59
Prepared statement-----	60
De Varona, Donna-----	61
Prepared statement-----	64
Krumm, Philip O., president, U.S. Olympic Committee-----	86
Letter of May 4, 1973-----	89
McMillan, Tom-----	65

MAY 23, 1973

Coleman, Cecil N., president, National Association of Collegiate Directors of Athletics, and athletic director, University of Illinois-----	161
Cosell, Howard, sportscaster, ABC Sports-----	141
Fagan, Clifford B., executive secretary, National Federation of State High School Associations; accompanied by Brice B. Durbin, executive secretary, Kansas State High School Activities Association-----	165
Prepared statement-----	168
Gavin, Gen. James, chairman and chief executive officer, Arthur D. Little, Inc.; accompanied by Peter L. Oliver-----	117
Steitz, Edward S., president, the Basketball Federation, U.S.A-----	132
Prepared statement-----	134
Thompson, Frederick D., coach, Atoms Track Club, New York City-----	171
Prepared statement-----	176

MAY 24, 1973

Chapman, Dr. Alan J., president, the National Collegiate Athletic Association, and Walter Byers, executive director; accompanied by Richard P. Koenig, secretary-treasurer; Ross H. Smith, athletic director, Massachusetts Institute of Technology; and Samuel E. Barnes, professor of education, District of Columbia Teachers College-----	199
Prepared statement of Dr. Chapman-----	228
Prepared statement of Mr. Byers-----	230
Metcalf, Hon. Lee, U.S. Senator from Montana-----	236
Metcalfe, Hon. Ralph H., U.S. Representative from Illinois-----	190
Peysner, Hon. Peter, U.S. Representative from New York-----	181
Prepared statement-----	185
Rivenes, David G., president, Amateur Athletic Union; accompanied by Albert F. Whittle, Baltimore; Ollan Cassell, executive director; and Richard McArthur, national office staff, Indianapolis-----	238
Vandergriff, Tom, chairman, Committee for a Better Olympics-----	257

IV

ADDITIONAL ARTICLES, LETTERS, AND STATEMENTS

	Page
AAU Outlaws Swim in China, article-----	131
Amateur Lifetime Sports: Are They Getting the Attention They Deserve? article -----	112
Buehler, Al, track coach, department of physical education and athletics, Duke University, letter of January 19, 1971-----	269
Carey, Hon. Hugh L., U.S. Representative from New York, statement-----	263
Cassell, Ollan C., executive director, Amateur Athletic Union of the United States, Inc., letter of June 12, 1973-----	284
Change the Olympic Judge, article from the Cincinnati Post-----	106
Cooper, Carl W., executive director, U.S. Track and Field Federation, letter of April 16, 1973-----	270
Dick Rader the Amateur: Years of Extreme Sacrifice But No Trip to Munich, article-----	111
Donahue, Dennis A., letter of April 9, 1973-----	107
Duer, A. O., executive secretary, National Association of Intercollegiate Athletics, statement-----	265
Dura, Joseph, letter of May 21, 1973-----	277
Emerson, Alice F., dean of students, University of Pennsylvania, letter of May 17, 1973-----	270
Gravel, Hon. Mike, U.S. Senator from Alaska, statement-----	55
Krumm, Philip O., president, U.S. Olympic Committee, letter of May 4, 1973 -----	271
Lee, Ralph, article in the Anchorage Daily News-----	107
Men's Track and Field Committee of the Amateur Athletic Union of the United States vis-a-vis the NCAA, restatement of position-----	267
Pierson, Don, article in the Chicago Tribune-----	218
Simon, William E., Salomon Brothers, letter of November 8, 1972-----	219
Solomon, George, article in the Washington Post-----	108
Top Track Team Quits the AAU—Pacific Coast Club Plays To Join Rival Federation, article-----	286
Walsh, Jack, article in the Washington Post-----	109

AMATEUR SPORTS

TUESDAY, MAY 22, 1973

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C.

The committee met at 9:40 a.m., in room 4232 New Senate Office Building, Hon. John V. Tunney presiding.

OPENING STATEMENT BY SENATOR TUNNEY

Senator TUNNEY. Today the Commerce Committee begins hearings on amateur sports. We are considering four pieces of legislation—my bill, S. 1018; Senator Cook's bill, S. 1192; Senator Pearson's bill, S. 1580; and S. 1690, which was introduced by Senators Gravel and Thurmond.

Sports play a role of unequalled importance in the United States today. Almost every American family is involved in amateur sports through interest or actual participation.

Sports touch every community and affect every neighborhood. Yet incompetent administration, inadequate financial support, haphazard or nonexistent planning for development of athletes and facilities, jurisdictional wrangling between groups of unresponsive bureaucrats, all contribute to frustrate the efforts and talents of the people for whom sports are conducted—the individual athletes. As a country, we have too often mounted a national effort unworthy of the excellence of these athletes.

This familiar strain reached a crescendo in the 1972 Olympics in Munich. The Olympic Games, the supreme test for amateur athletes, and an enduring forum for international peace and friendship, became a bloodstained trauma for American athletes and the world. The assassination of the Israeli athletes was a horror for the whole world. The games themselves were a chaos of incompetence and confusion for our athletes.

Surely we cannot ask our athletes to dedicate themselves to competition—often at considerable cost and sacrifice—only to see their work frustrated by poor planning and inadequate support.

So today we convene to consider ways in which we can help millions of American competitors pursue the highest goals of athletic competition, free from the many hindrances which have plagued them in the past.

The bills which I and my colleagues have proposed approach these problems from various points of view. My legislation would create a

Staff member assigned to these hearings: James P. Walsh.

nine-member commission to review American Olympic participation and recommend legislation to reform and improve that program. I believe that reform of our Olympic effort is of the highest national priority.

If we can improve that effort, the pinnacle of amateur sports, we will surely generate positive effects throughout the amateur sports movement in America. If we don't act swiftly, and if we risk a replay of the mistakes which doomed the efforts of American athletes in Munich, we only have ourselves to blame.

More important than any of our bills is our point of common agreement—that further inaction cannot be tolerated. We must deal effectively and immediately with the problems which betray American athletes. And we intend to do so in these hearings. Our collective goal is to create legislation which can solve these problems.

OPENING STATEMENT BY SENATOR PEARSON

Senator PEARSON. Mr. Chairman, I want to associate myself with your comments and your opening statement and to remind ourselves and the record that this committee first entered the world of amateur sports bureaucracies in 1965. We failed in our efforts to resolve a dispute between two organizations, but we gained a considerable experience about the futility of endless talk and no affirmative action. I do not believe we should repeat that futile exercise. I believe that this committee should report legislation which will fundamentally change the structure of amateur sports in this country.

My concern about the deteriorating state of amateur sports, and my disappointment with the reported conduct of the U.S. Olympic Committee during the 1972 games, prompted me to once again initiate a thorough examination of the organizations which control amateur sports—specifically, the International Olympic Committee, the U.S. Olympic Committee, the Amateur Athletic Union, and the National Collegiate Athletic Association, the NCAA.

That study revealed that there continues to be an interlocking set of constitutions, rules, regulations, bylaws and personal relationships that has enabled a self-appointed group of sports bureaucracies to perpetuate their own power.

The study further revealed that under present national and international rules these organizations will remain in control of amateur sports unless the Congress acts to provide all interested parties an opportunity to play a role in the formulation of rules and regulations which govern amateur sports.

I believe that the legislation this committee reports should follow three basic principles:

First, the Federal Government should not become directly involved in the administration of amateur sports.

Second, competitive amateur athletes should have a substantial voice in the policies of organizations which control their sports.

Third, the organizations which do control amateur sports should be ultimately responsible to the student athletes and to the public which supports them.

In recent years the bureaucracies which control national and international amateur athletic competition have repeatedly demonstrated their inability to meet the needs of today's athletes. They have failed to fulfill their obligations to develop teams for international competition which represent the best our Nation has to offer. Instead, I think that they have demonstrated an inordinate capacity to engage in petty disputes coupled with a fierce determination to perpetuate their own rule over amateur sports.

If we are to restore and renew the true values of amateur competition, then I think we must fundamentally reorganize the system by which amateur sports are governed in this country.

Senator TUNNEY. Senator Cook.

OPENING STATEMENT BY SENATOR COOK

Senator Cook. Thank you, Mr. Chairman. I wish to associate myself with the remarks that have been made, and I am very grateful that the chairman of this committee has called this series of hearings on legislation designed to resolve many of the problems currently plaguing the development of amateur sports in the United States. There are a number of proposals before the committee, one of which I have introduced.

I do not want to burden the record with a recital of many of the controversies which have led to this inquiry. My colleagues have already done an admirable job in that regard, and I know that the witnesses that will appear before us during the next 3 days will provide a far more accurate picture than I could. However, as one who has been extremely interested in this problem for some time now, I would like to offer a few introductory remarks in relation to what I believe this committee must do.

First, I believe that this committee is firmly committed to assuring that the amateur athlete in this country be given the greatest opportunities possible to develop and exhibit his or her talents. This means an end to all artificial and meaningless restraints on his freedom to participate.

Second, I believe that the committee, and the public, realize that the question of Government intervention in the sports field should not be looked upon as a curse. Indeed, I believe that much of the controversy in the sports field, particularly in the international arena, would have been avoided if the Federal Government had made a commitment to supporting a coordinated national amateur sports program.

I also believe that this committee feels that what we are primarily concerned with here is a decision as to what is the best method of

achieving the coordination which will be in the best interest of the athletes. We are no longer concerned with the question of whether a new scheme is necessary. That question has already been answered.

Finally, I hope that none of the existing sports organizations feels that the committee is out to emasculate or destroy them. I don't believe that any member of this committee has an ax to grind. And I say that in all sincerity.

However, I also hope that the various organizations will not be lulled into a false sense of security because of the diversity of views represented by the various pieces of legislation.

I, for one, am committed to achieving a novel legislative thrust in the sports world, and my pride of authorship will not keep me from compromising the terms of S. 1192 in order to accomplish the general goals which I believe are fundamental among the members of the committee. I know the members of the committee feel, as I do, that the time has come for action and not talk.

Several weeks ago an article appeared in the Washington Star written in a sarcastic tone, that basically ridiculed the unwillingness and inability of the Congress to "put its money where its mouth is" in relation to amateur sports. I want to pledge myself now to seeing that this series of hearings does not end in a cease-fire, but, rather, in a new framework for amateur athletes in this country.

If we do not act in such a way as to give lasting meaning to our individual commitments, then the ridicule will be deserved, and the Congress will have lost a golden opportunity to accomplish something good for the people of this country, and especially for the many talented athletes who represent so much that is excellent in America.

Senator TUNNEY. Thank you, Senator Cook.

Senator Beall.

OPENING STATEMENT BY SENATOR BEALL

Senator BEALL. Thank you, Mr. Chairman.

Mr. Chairman, I do not have a prepared statement for the record, but I would like to associate myself with the remarks that have been made previously and congratulate you for holding these hearings.

I think we all share the hope that although the Federal Government should not become directly involved in the control of amateur athletics, we do feel the Federal Government can be a catalyst that will draw attention to amateur sports and create the coordinating apparatus so that the accomplishments of athletes rather than the contentions and animosities that exist among their sponsors will be what captivates the imagination of the American people.

We look to these hearings to provide the kind of information that will give us the background for formulating legislation that will help us reach this objective.

Senator TUNNEY. Thank you very much, Senator Beall.

[The bills follow:]

S. 1018

IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 1973

Mr. TUNNEY introduced the following bill; which was read twice and referred, by unanimous consent, to the Committee on Commerce with instructions that if and when reported from the Committee on Commerce, then to be referred to the Committee on Foreign Relations

A BILL

To create a National Commission on the Olympic Games to review the question of United States participation in the Olympic games and to evaluate and formulate recommendations concerning such participation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "National Olympic Com-
4 mission Act of 1973".

5 SEC. 2. The Congress hereby finds and declares that—
6 (1) serious problems have arisen in the conduct
7 of the Olympic games, both summer and winter, which
8 have led to widespread and continuing criticism of cer-

1 tain aspects of the games and the manner in which the
2 United States administers its preparation for and partic-
3 ipation in the games;

4 (2) the participation of the United States in the
5 Olympic games has a substantial effect on commerce be-
6 tween the United States and other nations, and such par-
7 ticipation involves many issues relating to the area of
8 amateur sports which have a substantial and continuing
9 effect on interstate commerce, such as jurisdiction over
10 various areas of amateur sports and training and develop-
11 ment of amateur athletes;

12 (3) an evaluation is required of the form of orga-
13 nization and the means by which the United States can
14 participate most effectively in the Olympic games and
15 provide leadership in accomplishing action to assure that
16 future games will be organized and conducted in a man-
17 ner which will contribute to the achievement of the high
18 ideals of the games and promote international friend-
19 ship and good will through athletic competition between
20 individuals; and

21 (4) the establishment of a National Committee on
22 the Olympic Games would provide an effective means
23 of determining constructive action toward accomplish-
24 ing these goals and preparing specific legislative pro-
25 posals which would command broad public support.

1 SEC. 3. There is hereby established a National Com-
2 mission on the Olympic Games (hereinafter referred to as
3 “the Commission”).

4 SEC. 4. The Commission shall be composed of nine
5 members who shall be appointed by the President of the
6 United States. Such members shall be selected with the
7 purpose of assuring objective consideration of all viewpoints.
8 No more than two members of the Commission at any one
9 time shall be an officer or director, past or present, of the
10 United States Olympic Committee, or of any other national
11 athletic association or federation.

12 SEC. 5. The President shall designate a Chairman from
13 among the members of the Commission. Any vacancy on
14 the Commission shall not affect its powers and shall be
15 promptly filled.

16 SEC. 6. The Commission shall review the participation
17 of the United States in the Olympic games, and, if it recom-
18 mends that such participation should be continued, shall also
19 recommend the form of organization by means of which the
20 United States should participate in the Olympic movement
21 and shall present specific proposals for any legislation re-
22 quired to implement its recommendations. In formulating
23 its legislative recommendations, the Commission shall take
24 into account—

25 (1) the objectives of the modern Olympic move-

1 ment and the extent to which those objectives are being
2 met;

3 (2) the manner in which the Olympic games are
4 administered, with particular attention to the views of
5 those who participate in those games as athletes, coaches,
6 officials, or otherwise, or who have attended such games
7 in any other capacity;

8 (3) the role which the United States Olympic
9 Committee has played in international sports and the
10 manner in which the United States' participation in the
11 Olympic games has been organized and administered
12 by that Committee;

13 (4) the policies which would assure the selection
14 on a fair and equitable basis of the best-qualified athletes,
15 coaches, managers, trainers, and other officials and which
16 would provide the maximum opportunity for persons to
17 develop their athletic skills and participate in interna-
18 tional athletic competition; and

19 (5) the arrangements which will best protect the
20 interests of the individual athletes during the period of
21 their training for, travel to, and participation in the
22 games.

23 SEC. 7. The Commission shall submit to the President
24 and to the Congress a final report of its findings and recom-
25 mendations not later than August 1, 1974.

1 SEC. 8. Subject to such rules and regulations as may be
2 adopted by the Commission, the Chairman shall have the
3 power to—

4 (1) appoint and fix the compensation of an Execu-
5 tive Director, and such additional staff personnel as he
6 deems necessary, without regard to the provisions of
7 title 5, United States Code, governing appointments
8 in the competitive service, and without regard to chapter
9 51 and subchapter III of chapter 53 of such title relating
10 to classification and General Schedule pay rates, but at
11 rates not in excess of the maximum rate for GS-18 of
12 the General Schedule under section 5332 of such title;

13 (2) procure temporary and intermittent services
14 to the same extent as is authorized by section 3109
15 of title 5, United States Code, but at rates not to ex-
16 ceed \$100 a day for individuals; and

17 (3) hold such hearings, sit and act at such times
18 and places, and administer such oaths, as the Com-
19 mission or any subcommittee or any three of the mem-
20 bers thereof may deem advisable.

21 SEC. 9. Each department, agency, and instrumentality
22 of the executive branch of the Government, including in-
23 dependent agencies, is authorized and directed to furnish
24 to the Commission, upon request made by the Chairman,
25 such data, reports, and other information as the Commis-

1 sion deems necessary to carry out its functions under this
2 title. The Commission is further authorized to request from
3 any public or private organization or agency and from the
4 United States Olympic Committee any information deemed
5 necessary to carry out its functions.

6 SEC. 10. Five members of the Commission shall con-
7 stitute a quorum, but a lesser number may conduct hearings.

8 SEC. 11. Members of the Commission shall receive
9 \$100 per diem when engaged in the actual performance
10 of duties vested in the Commission, plus reimbursement for
11 travel, subsistence, and other necessary expenses incurred
12 in the performance of such duties.

13 SEC. 12. There are authorized to be appropriated such
14 sums as may be necessary to carry out the provisions of
15 this Act.

16 SEC. 13. The Commission shall cease to exist thirty days
17 after the submission of its final report.

93^D CONGRESS
1ST SESSION

S. 1192

IN THE SENATE OF THE UNITED STATES

MARCH 13, 1973

Mr. COOK introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To establish a Federal Amateur Sports Commission

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act be cited as the "Federal Amateur Sports Act
4 of 1973".

STATEMENT OF FINDINGS

6 SEC. 2. The Congress hereby finds that—

7 (1) amateur athletic competition performs a useful
8 role in the development of the individual and the enrich-
9 ment of his experience;

10 (2) athletic competition between citizens of different
11 nations provides a valuable exchange of cultural and

1 personal ideas, and thereby contributes substantially to
2 the ideals of international cooperation in all fields;

3 (3) the diffusion of authority over amateur ath-
4 letics among various organizations in the United States
5 has resulted in a lack of coordination which handicaps
6 the individual athlete in international competition;

7 (4) the United States has a vital interest in assur-
8 ing that its amateur athletes are offered the greatest sup-
9 port in their training and development in order that they
10 will be able to successfully represent the United States
11 in international athletic competition;

12 (5) amateur athletes should be given the widest
13 latitude in relation to the development and refinement
14 of their athletic talents; and

15 (6) the existing amateur athletic organizations do
16 not provide the coordination and cooperation necessary
17 for the achievement of the aforementioned goals.

18 DECLARATION OF PURPOSE

19 SEC. 3. The Congress hereby declares that—

20 (1) it is the purpose of this Act to protect and
21 promote the interests of the individual amateur athlete in
22 the United States and to provide the coordination of ef-
23 fort necessary to assist American athletes in their devel-
24 opment and training, by establishing a Federal Amateur
25 Sports Commission;

1 (2) it is the purpose of the Commission to promul-
2 gate rules and regulations which will improve the coor-
3 dination of the various amateur athletic organizations
4 and aid in the development of amateur athletic pro-
5 grams in the United States, and thereby in the competi-
6 tive ability of American athletes in international athletic
7 competition;

8 (3) it is also the purpose of the Commission to
9 study and analyze the development and use of athletic
10 facilities in the United States and to coordinate the use of
11 those facilities in order to better serve in the develop-
12 ment of amateur athletics in the United States; and

13 (4) it is also the purpose of the Commission to
14 study all factors of athletic competition which relate to
15 the safety and health of athletes, including techniques
16 and procedures for treating injuries and other ailments
17 which result from, or hinder, athletic activity.

18 SEC. 4. As used in this Act—

19 (1) the term “amateur athlete” means an athlete
20 who is not remunerated for his athletic performances,
21 except for the payment of expenses incurred incident
22 to his athletic performances;

23 (2) the term “international athletic competition”
24 means athletic competition in which an athlete or ath-
25 letes of the United States compete with or against an
26 athlete or athletes of any other nation;

1 (3) the term "athletic facilities" means any struc-
2 tures or areas of land in or on which it is intended that
3 athletic activity will be conducted;

4 (4) the term "amateur organization" means any
5 organization which sponsors, sanctions, organizes, or in
6 any other manner controls or supervises the conduct
7 of amateur athletic competition in which citizens of the
8 United States participate.

9 FEDERAL SPORTS COMMISSION

10 SEC. 5. (a) A Commission is hereby created and es-
11 tablished within the Department of Commerce to be known
12 as the Federal Amateur Sports Commission (hereinafter
13 referred to as the "Commission") consisting of three Com-
14 missioners who shall be appointed by the President, by
15 and with the advice and consent of the Senate, one of whom
16 shall be designated by the President as Chairman. The
17 Chairman shall be the principal executive officer of the
18 Commission and, when so designated, shall act as Chair-
19 man until the expiration of his term of office. Any member
20 of the Commission may be removed by the President for
21 neglect of duty or malfeasance in office but for no other
22 cause.

23 (b) The Commissioners first appointed under this sec-
24 tion shall continue in office for terms of three, four, and five
25 years, respectively, from the date of enactment of this Act.

1 the term of each to be designated by the President at the
2 time of nomination. Their successors shall be appointed each
3 for a term of five years from the date of expiration of
4 the term for which his predecessor was appointed and has
5 qualified, except that he shall not so continue to serve beyond
6 the expiration of the next session of Congress subsequent to
7 the expiration of said fixed term of office and except that
8 any person appointed to fill a vacancy occurring prior to
9 the expiration of the term for which his predecessor was ap-
10 pointed shall be appointed only for the unexpired term.

11 (c) Not more than two of the Commissioners shall be
12 appointed from the same political party. No person in the
13 employ of, or holding any official relation to any national or
14 international amateur athletic organization shall enter upon
15 the duties of or hold the office of Commissioner. Commission-
16 ers shall not engage in any other business, vocation, or em-
17 ployment.

18 (d) (1) Section 5314 of title 5, United States Code, is
19 amended by adding at the end thereof the following new
20 paragraph:

21 “(58) Chairman, Federal Amateur Sports Commis-
22 sion.”

23 (2) Section 5315 of title 5, United States Code, is
24 amended by adding at the end thereof the following new
25 paragraph:

1 “(96) Members, Federal Amateur Sports Commission.”

2 (e) No vacancy in the Commission shall impair the
3 right of the remaining Commissioners to exercise all the
4 powers of the Commission. Two members of the Commission
5 shall constitute a quorum for the transaction of business. The
6 Commission shall have an official seal of which judicial notice
7 shall be taken. The Commission shall annually select a Vice
8 Chairman to act in the absence or in the case of the dis-
9 ability of the Chairman or in the case of a vacancy in the
10 office of Chairman.

11 (f) The Commission shall maintain a principal office
12 and may meet and exercise any or all of its powers at any
13 other place. The Commission may, by one or more of its
14 members or by such agents or agency as it may designate,
15 prosecute any inquiry necessary to its function anywhere in
16 the United States. A Commissioner who participates in such
17 an inquiry shall not be disqualified from subsequently par-
18 ticipating in a decision of the Commission in the same matter.

19 (g) The Commission shall prepare and submit to the
20 President for transmittal to the Congress on or before October
21 1 of each year a comprehensive report on the administration
22 of this Act for the preceding fiscal year. Such report shall
23 include—

24 (1) a thorough appraisal, including statistical anal-
25 yses, estimates, and long-term projections, of the status

1 of amateur sports including, but not limited to, the con-
2 dition of relations among other amateur sports organi-
3 zations, the status of efforts to improve safety and health
4 in athletics, the development of programs designed to
5 promote and improve the performance of American
6 athletes in international competition, the status of re-
7 search into methods for the construction and improve-
8 ment of athletic facilities, and reports on any problems
9 which may be found to exist in the Commission's juris-
10 diction;

11 (2) an evaluation of the degree of observance of
12 Federal amateur sports rules and regulations, including
13 a list of enforcement actions, court decisions, and com-
14 promises of alleged violations;

15 (3) a summary of outstanding problems confronting
16 the administration of this Act, in order of priority;

17 (4) a list, with a brief statement of the issues, of
18 completed or pending judicial actions under this Act;

19 (5) the extent of cooperation between the Commis-
20 sion officials and the various organizations in the imple-
21 mentation of this Act, including a log or summary of
22 meetings held between Commission officials and other
23 interested parties; and

24 (6) an appraisal of the significance and potential
25 effects of any legislation at the State, local, or Federal

1 level which relates to the responsibilities of the
2 Commission.

3 (h) That report required by subsection (g) shall con-
4 tain such recommendations for additional legislation as the
5 Commission deems necessary to remedy problems which
6 relate to its jurisdiction.

7 (i) The Commission shall appoint an Executive Direc-
8 tor, a General Counsel, a Director of Information, and such
9 other officers and employees as are necessary in the execution
10 of its functions. Commission employees shall be subject to the
11 provisions of title 5, United States Code, governing appoint-
12 ments in the competitive service.

13 **FEDERAL SPORTS RULES**

14 **SEC. 6.** The Commission shall have authority to promul-
15 gate rules or other regulations which relate to—

16 (a) “the participation of American citizens in
17 international athletic competition.” Rules or other reg-
18 ulations promulgated pursuant to the authority vested in
19 the Commission by this subsection shall preempt any
20 other rule or regulation of any other association which
21 relates to participation of American citizens in inter-
22 national athletic competition;

23 (b) the use and availability of the facilities of all
24 educational institutions which receive, directly or in-
25 directly, financial assistance from the Federal Govern-

1 ment: *Provided, however,* That any rule or other regula-
2 tion promulgated by the Commission pursuant to this
3 subsection shall not affect the use of such facilities for the
4 normal educational and athletic purposes of any such
5 institution.

6 AMENDMENTS TO EXISTING LAWS

7 SEC. 7. (a) Section 3 (3) of the Act of September 21,
8 1950 (64 Stat. 900, 36 U.S.C. 373), relating to the
9 United States Olympic Committee, is amended by striking
10 the entire subsection, and inserting in lieu thereof the fol-
11 lowing: "to exercise primary responsibility for the organi-
12 zation of the Olympic games and the Pan-American games
13 when celebrated in the United States."

14 (b) Section 3 (4) of the Act of September 21, 1950
15 (64 Stat. 900, 36 U.S.C. 373), relating to the United
16 States Olympic Committee, is amended by inserting after
17 the word "States," the following words: ", subject to the
18 rules and regulations promulgated by the Federal Amateur
19 Sports Commission relating to the participation of United
20 States citizens in international athletic competition."

21 (c) Section 4 (1) of the Act of September 21, 1950
22 (64 Stat. 901, 36 U.S.C. 374), relating to the United
23 States Olympic Committee, is amended by striking the words
24 "to organize, select, finance, and control," and inserting in
25 lieu thereof the words: "to organize, finance, and select,

1 subject to the rules and regulations promulgated by the
2 Federal Amateur Sports Commission relating to the partici-
3 pation of the United States citizens in international athletic
4 competition.”.

5 SEC. 8. Administrative proceedings of the Commission
6 shall be conducted in accordance with the provisions of sub-
7 chapter II of chapter 5 of title 5, United States Code, and
8 judicial review, in accordance with chapter 7 of title 5,
9 United States Code.

10 SPORTS ADVISORY COUNCIL

11 SEC. 9. (a) The Commission shall establish an Amateur
12 Sports Advisory Council which it may consult before pre-
13 scribing a sports rule or regulation. The Council shall be ap-
14 pointed by the Commission and shall be composed of eight
15 members, each of whom shall be qualified by training and
16 experience in one or more of the fields within the jurisdic-
17 tion of the Commission. No member of the Council shall
18 have held any official position with any organization whose
19 activities relate to the jurisdiction of the Commission.

20 (b) The Council may propose amateur sports rules and
21 regulations to the Commission for its consideration and may
22 function through subcommittees of its members. All proceed-
23 ings of the Council shall be public, and record of each pro-
24 ceeding shall be available for public inspection.

25 (c) Members of the Council who are not officers or

1 employees of the United States shall, while attending meet-
2 ings or conferences of the Council or while otherwise en-
3 gaged in the business of the Council, be entitled to receive
4 compensation at a rate fixed by the Commission, not ex-
5 ceeding \$100 per diem, including traveltime, and while away
6 from their homes or regular places of business they may be
7 allowed travel expenses, including per diem in lieu of sub-
8 sistence, as authorized by section 5703 of title 5, United
9 States Code. Payments under this subsection shall not ren-
10 der members of the Council officers or employees of the
11 United States for any purpose.

12 DIVISION OF ATHLETIC FACILITIES

13 SEC. 10. (a) The Commission shall establish within its
14 organization the Division of Athletic Facilities, which shall
15 be authorized—

16 (1) to gather, analyze and make available infor-
17 mation relating to existing and/or potential procedures
18 for the financing, construction, maintenance, and use of
19 athletic facilities;

20 (2) to consider methods for the economical renova-
21 tion, expansion, beautification, alteration, and conversion
22 of existing athletic facilities in order to best meet the
23 requirements of the communities in which they are lo-
24 cated. Such methods should be directed toward the goal
25 of developing facilities which will meet the optimum

1 degree of flexibility, so as to provide the most economical
2 usage within a community;

3 (3) to study the relationship between athletic fa-
4 cilities and the neighborhoods and communities in which
5 they are located, and to recommend methods of mini-
6 mizing the impact of the facility on the neighborhood or
7 community. Particular emphasis will be placed upon the
8 impact of the facilities on traffic patterns, law enforce-
9 ment, and adjacent or nearby housing, and commercial
10 activities.

11 (4) to provide consultant services, on a remunerated
12 (fee) basis, to private interests and State or local gov-
13 ernments which may require such assistance.

14 (b) The Commission shall appoint a Director of the
15 Division of Athletic Facilities and such other officers and
16 employees as are necessary in the execution of its functions.
17 Employees of the Division of Athletic Facilities shall be
18 subject to the provisions of title 5, United States Code,
19 governing appointments in the competitive service.

20 DIVISION OF SAFETY AND HEALTH

21 SEC. 11. (a) The Commission shall establish within
22 its organization the Division of Safety and Health which shall
23 be authorized—

24 (1) to gather, analyze, and make available infor-
25 mation relating to safety in athletics, and to make recom-

1 mendation for promoting greater safety in athletic
2 activity;

3 (2) to study the use of drugs and other medica-
4 tions in treating the injuries of athletes, and the effects
5 of such use of drugs and other medications on the athlete
6 during and subsequent to his or her athletic career;

7 (3) to study the techniques or physical therapy
8 currently used for the treatment of the injuries of
9 athletes, and to encourage and promote the development
10 of such techniques;

11 (4) to study the effectiveness of existing athletic
12 equipment in preventing and reducing injuries resulting
13 from athletic activities, and to make recommendations
14 for improving the effectiveness of such equipment. Such
15 studies shall include the safety and health factors of the
16 facilities in and on which athletic activity is conducted,
17 such as playing surfaces, restraining devices, and so
18 forth.

19 (b) The Commission shall appoint a Director of the
20 Division of Safety and Health and such other officers and
21 employees as are necessary in the execution of its functions.
22 Employees of the Division of Safety and Health shall be
23 subject to the provisions of title 5, United States Code, gov-
24 erning appointments in the competitive service.

1 ADDITIONAL POWERS OF THE COMMISSION

2 SEC. 12. (a) The Commission, or any two members
3 thereof, as authorized by the Commission, may conduct hear-
4 ings at its office or otherwise secure data and expressions of
5 opinion pertinent to the jurisdiction of the Commission. The
6 Commission shall publish notice of any proposed hearings in
7 the Federal Register and shall afford a reasonable opportunity
8 for interested persons to present relevant testimony and data.

9 (b) The Commission shall also have the power—

10 (1) to require, by special or general orders, amateur
11 sports organizations, individuals, and other associations
12 to submit in writing such reports and answers to ques-
13 tions as the Commission may prescribe; such submission
14 shall be made within such reasonable period and under
15 oath or otherwise as the Commission may determine;

16 (2) to administer oaths;

17 (3) to require by subpoena the attendance and testi-
18 mony of witnesses and the production of all documentary
19 evidence relating to the execution of its duties;

20 (4) in the case of disobedience to a subpoena or
21 order issued under this subsection, to invoke the aid of
22 any district court of the United States in compliance with
23 such subpoena order;

24 (5) in any proceeding or investigation to order
25 testimony to be taken by deposition before any person

1 who is designated by the Commission and has the power
2 to administer oaths and, in such instances, to compel
3 testimony and the production of evidence in the same
4 manner as authorized under paragraphs (3) and (4) of
5 this subsection; and

6 (6) to pay witnesses the same fees and mileage as
7 are paid in like circumstances in the courts of the United
8 States.

9 (c) Any district court within the United States within
10 the jurisdiction of which any inquiry is carried on may, upon
11 petition by counsel for the Commission, in case of refusal to
12 obey a subpoena or order of the Commission under subsection
13 (b) of this section, issue an order requiring compliance
14 therewith; and any failure to obey the order of the court may
15 be punished by the court as a contempt thereof.

16 (d) The Commission is authorized to enter into con-
17 tracts with governmental entities, private organizations, or
18 individuals for the conduct of activities authorized by this
19 Act.

20 (e) The Commission is authorized to establish such
21 policies, criteria, and procedures and to prescribe such rules
22 and regulations as it deems necessary to administer this Act
23 and its functions hereunder. Unless otherwise specified, the
24 provisions of title 5, United States Code, section 553, shall
25 apply to such proceeding.

1 COOPERATION WITH FEDERAL AGENCIES

2 SEC. 13. The Commission is authorized to obtain from
3 any Federal department or agency such statistics, data,
4 program reports, and other materials as it may deem nec-
5 essary to carry out its functions under this Act. Each such
6 department or agency is authorized to cooperate with the
7 Commission and, to the extent permitted by law, to furnish
8 such materials to it. The Commission and the heads of
9 other departments and agencies engaged in administering
10 programs related to amateur athletics shall, to the maximum
11 extent practicable, cooperate and consult in order to insure
12 fully coordinated efforts.

13 ENFORCEMENT INJUNCTIONS

14 SEC. 14. Upon application by the Attorney General,
15 the district courts of the United States shall have jurisdiction
16 to enjoin the Commission of acts in violation of any rule or
17 regulation issued pursuant to section 6, and to compel the
18 taking of any action required by this Act.

19 INTERPRETATIONS AND SEPARABILITY

20 SEC. 15. If any provision of this Act or the application
21 thereof to any person or circumstances is held invalid, the
22 remainder of this Act and the application of such provision
23 to any other person or circumstances shall not be affected
24 thereby.

1 **AUTHORIZATION OF APPROPRIATIONS**

2 **SEC. 16.** There are hereby authorized to be appropriated
3 for the purpose of carrying out the provisions of this Act,
4 the following sums: \$3,000,000 for the fiscal year ending
5 June 30, 1975; \$5,000,000 for the fiscal year ending
6 June 30, 1976; and \$5,000,000 for the fiscal year ending
7 June 30, 1977.

93^D CONGRESS
1ST SESSION

S. 1580

IN THE SENATE OF THE UNITED STATES

APRIL 16, 1973

MR. PEARSON introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To regulate interstate and foreign commerce as it relates to the conduct of organized amateur athletic competition within the United States and the participation of American athletes in international amateur athletic competition.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Amateur Athletic Act".

4

FINDINGS

5

SEC. 2. The Congress finds that—

6

(1) organized amateur athletic competition within

7

the United States is conducted in such a manner as to

8

impinge upon commerce among the several States in

9

several respects, including the sale of admission tickets

1 to attend competitive events, the use of common carriers
2 in transporting athletes and the public to such events, and
3 the broadcasting, by radio and television, of such events:

4 (2) to the extent that amateur athletes who are
5 citizens of the United States are recognized by inter-
6 national athletic organizations and engaged in inter-
7 national competition, organized amateur athletic competi-
8 tion involving such athletes impinges upon the foreign
9 commerce of the United States; and

10 (3) as an exercise of the power of the Congress to
11 regulate commerce with foreign nations, and among the
12 several States, it is necessary to regulate organized ama-
13 teur athletic competition within the United States.

14 DEFINITIONS

15 SEC. 3. As used in this Act, the term—

16 (1) "Board" means the United States Amateur
17 Sports Association Board; and

18 (2) "United States Sports Association" means a
19 corporation not for profit which holds a charter granted
20 under section 5 by the Board.

21 ESTABLISHMENT OF BOARD

22 SEC. 4. (a) There is established in the executive branch
23 of the Government an independent agency to be known as
24 the United States Amateur Sports Association Board. The
25 Board shall consist of five members, selected for their demon-

1 strated excellence, ability, knowledge, and experience in the
2 field of amateur sports, who shall be appointed by the Presi-
3 dent, by and with the advice and consent of the Senate. Not
4 more than three members shall be affiliated with the same
5 political party. No two members serving at any one time
6 shall have been officers or employees of the same national
7 or international athletic association. No individual shall be
8 eligible for appointment who has previously served as a mem-
9 ber of the Board. No member shall serve during his term
10 of office as an officer of any national or international sports
11 organization. A member may be removed from office by the
12 President for neglect of duty or malfeasance in office, but
13 for no other cause.

14 (b) (1) Each member shall be appointed for a term of
15 five years, except that—

16 (A) of the members first appointed, one shall be
17 appointed for a term ending one year after the date of
18 enactment of this Act, one shall be appointed for a term
19 ending two years after such date, one shall be appointed
20 for a term ending three years after such date, one shall
21 be appointed for a term ending four years after such
22 date, and one shall be appointed for a term ending five
23 years after such date;

24 (B) no member appointed to serve for the re-
25 mainder of the unexpired term of his predecessor shall

1 serve under such appointment beyond the end of such
2 unexpired term (except as provided in subparagraph
3 (C)); and

4 (C) a member shall continue to serve after the
5 expiration of his term until his successor has been
6 appointed and qualified, but such post term service shall
7 not be for a period greater than ninety days.

8 (2) The Board shall elect a Chairman and a Vice
9 Chairman from among its members for a concurrent term
10 of two years each. No member who serves as Chairman
11 may succeed himself as Chairman. The Vice Chairman shall
12 act as Chairman whenever the Chairman is absent or dis-
13 abled from performing his duties as a member.

14 (3) Three members of the Board constitute a quorum
15 for the conduct of business.

16 (4) The Board shall have a seal which shall be judi-
17 cially recognized.

18 (b) The Board shall first meet within thirty days after
19 the date on which the fifth member is appointed and there-
20 after shall meet on call of the Chairman or upon written
21 demand of not less than three members, but not less fre-
22 quently than once each year.

23 (c) With the consent of at least three other members,
24 the Chairman may appoint an administrative officer and such
25 additional employees as the Board determines are necessary

1 to carry out its duties. The administrative officer shall serve
2 at the pleasure of the Board. The Board shall maintain an
3 office in Washington, District of Columbia.

4 (d) Members of the Board shall be compensated at
5 the maximum daily rate for GS-18 of the General Schedule
6 under section 5332 of title 5, United States Code, for each day
7 (including traveltime) spent in the active performance of
8 their duties under this Act, and shall receive reimbursement
9 for travel, subsistence, and other necessary expenses in-
10 curred in the performance of such duties.

11 (e) The President shall appoint annually an amateur
12 athlete's representative to the Board who shall be, at the
13 time of his appointment, actively engaged as an amateur
14 in athletic competition. No individual shall be eligible for
15 appointment under this subsection who has been appointed
16 previously under this subsection or whose principal amateur
17 sport is the same as the principal amateur sport of any of
18 his five predecessors as amateur athlete's representative. The
19 amateur athlete's representative shall have the privilege of
20 attending any meeting of the Board and of advising the
21 Board on any matter before it, but he shall not be entitled
22 to vote in any determination made by the Board. The ama-
23 teur athlete's representative shall be reimbursed for travel
24 and subsistence expenses as if he were a member of the
25 Board, in accordance with the provisions of subsection (d).

1 FUNCTION OF THE BOARD

2 SEC. 5. (a) Upon application made by any corpora-
3 tion meeting the requirements of section 6, including any
4 requirements imposed by the Board through regulations, the
5 Board may issue a charter to that corporation designating it
6 a United States Sports Association for a single sport.

7 (b) In carrying out its function under subsection (a),
8 the Board is authorized—

9 (1) to promulgate rules and regulations governing
10 applications for charters, the terms and conditions under
11 which it will issue, amend, suspend, or revoke a charter,
12 operation under a charter, and such other matters as
13 may be necessary, and

14 (2) to take whatever other action, consistent with
15 international amateur sports rules, may be necessary in
16 order to insure compliance with the terms of charters
17 granted by it and in order to further amateur athletic
18 competition by United States citizens within the United
19 States and in international competition.

20 (c) (1) Within one hundred and eighty days after grant-
21 ing a charter under this section, the Board shall revoke the
22 charter unless, within that period of time—

23 (A) the chartered corporation has been recognized
24 by the appropriate international sports organization as
25 the single United States organization for sanctioning

1 amateur athletic competition in the United States with
2 respect to the sport designated in the charter application,
3 or

4 (B) the Board has received assurance satisfactory
5 to it that the chartered corporation will be so recognized.

6 (2) The power of the Board to revoke a charter under
7 this subsection is in addition to its authority to revoke a
8 charter for cause under regulations promulgated by the
9 Board.

10 UNITED STATES SPORTS ASSOCIATIONS

11 SEC. 6. (a) In order to be eligible to receive a charter
12 under section 5 as a United States Sport Association, a group
13 of not less than three individuals shall, in accordance with
14 regulations promulgated by the Board—

15 (1) incorporate under the laws of any State or the
16 District of Columbia as a corporation not for profit for
17 the purpose of furthering amateur athletic competition
18 within the United States and by United States citizens in
19 international competition with respect to a single sport,

20 (2) submit an application to the Board setting
21 forth a request for a charter, a copy of the corporate
22 charter and bylaws, the names, addresses, and occupa-
23 tions of all shareholders and other persons having any
24 financial interest in the corporation, the sport in which

1 it seeks to further competition, and such additional
2 information as the Board may request,

3 (3) demonstrate to the satisfaction of the Board
4 that—

5 (A) its board of directors, executive commit-
6 tee, or other governing body will at all times include
7 among its voting members not less than two indi-
8 viduals who are actively engaged in amateur athletic
9 competition in the United States, and that the voting
10 power held by such individuals is not less than
11 20 per centum of the total voting power held in
12 that board, committee, or other body,

13 (B) it will at all times, to the extent consistent
14 with rules and regulations promulgated by the
15 Board, operate under procedures reasonably cal-
16 culated to inform amateur athletes under its juris-
17 diction of policy matters under consideration by the
18 corporation, and reasonably calculated to reflect in
19 its policies the views of such athletes,

20 (C) it will undertake to develop interest and
21 participation in its particular sport throughout the
22 United States, and

23 (D) if the requested charter is granted, the
24 corporation will be recognized by the appropriate
25 international amateur sports organization or organi-

1 zations as the single United States organization for
2 sanctioning amateur athletic competition within the
3 United States in that particular sport.

4 (b) No corporation shall be eligible to receive
5 a charter under section 5 if more than 10 per centum
6 of the incorporators or individuals having a financial interest
7 in the corporation are officers or employees of, or associated
8 with, any other corporation chartered under such section
9 as a United States Sports Association.

10 UNITED STATES SPORTS ASSOCIATION SANCTION REQUIRED

11 SEC. 7. (a) Except as provided in subsection (b), no
12 open amateur athletic competitive meet (as defined by the
13 Board in regulations promulgated by it) shall be conducted
14 within the United States more than two years after the date
15 of enactment of this Act unless such meet is sanctioned by
16 a United States Sports Association.

17 (b) The Board may waive the requirement of subsection
18 (a) only by unanimous vote and only if there is no United
19 States Sports Association which can sanction the meet,
20 taking into consideration the time necessarily involved in
21 planning such a meet.

22 (c) Upon application by the Attorney General, the
23 district courts of the United States shall have jurisdiction to
24 enjoin the commission of acts in violation of subsection (a).

1 AUTHORIZATION OF APPROPRIATIONS

2 SEC. 8. There are authorized to be appropriated such
3 amounts as may be necessary to carry out the provisions of
4 this Act.

S. 1690

IN THE SENATE OF THE UNITED STATES

MAY 2, 1973

Mr. GRAVEL (for himself, Mr. FANNIN, Mr. GOLDWATER, Mr. GURNEY, Mr. HUMPHREY, Mr. RANDOLPH, Mr. SCOTT of Pennsylvania, and Mr. THURMOND) introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To establish a National Amateur Sports Development Foundation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "National Amateur Sports
4 Development Foundation Act of 1973".

5 STATEMENT OF FINDINGS AND PURPOSE

6 SEC. 2. (a) The Congress hereby finds and declares
7 that, given the proper direction and support, amateur sports
8 have the effect of performing a useful role in developing the
9 individual and enriching the variety of his experience, con-
10 tributing to fitness and physical well-being, alleviating some

1 of the pressing social problems facing the Nation, and en-
2 couraging moral behavior and the pursuit of personal excel-
3 lence. The Congress further finds and declares that, despite a
4 history of important athletic accomplishments, the United
5 States does not have a comprehensive national amateur
6 sports program; that, because of the multiplicity of private
7 and largely voluntary organizations responsible for the ad-
8 ministration of amateur sports activities, there is an immense
9 variety of individual sports programs, in which imbalances,
10 lack of coordination, and neglected functions are too often ap-
11 parent.

12 (b) The Congress declares that in order—

13 (1) to create opportunities for and to encourage
14 individual participation and excellence in the field of
15 physical endeavor among all age groups;

16 (2) to reduce inequalities among social, economic,
17 sexual, and geographic groups in opportunities to par-
18 ticipate in sports;

19 (3) to foster and support the interests and activi-
20 ties of organizations concerned with sports and to coordi-
21 nate them by voluntary means with related educa-
22 tional and recreational programs of local, State, and
23 Federal Government;

24 (4) to strengthen and expand development of ama-
25 teur sports in the United States by—

1 (A) making available managerial, financial,
2 technical, legal, informational, instructional, and
3 promotional assistance to organizations concerned
4 with sports; and

5 (B) sponsoring and stimulating the establish-
6 ment of advanced or improved coaching, physical
7 training, and physical education programs;

8 (5) to strengthen the position of United States
9 competitors in significant international athletic events;

10 (6) to extend knowledge and facilitate the practice
11 of sports by—

12 (A) sponsoring or soliciting useful research in
13 such areas as sports medicine, athletic safety and
14 health, athletic facility and equipment design, and
15 performance analysis;

16 (B) identifying specific sports facility require-
17 ments and arranging for provision of facilities by
18 appropriate public or private groups; and

19 (C) establishing and maintaining a data bank
20 for the compilation, analysis, and dissemination of
21 information pertaining to all significant aspects of
22 sports;

23 (7) to promote broadened cultural exchanges with
24 foreign nations in the field of sports; and

25 (8) to study national needs relating to sports; it

1 is the policy of the United States to establish a National
2 Amateur Sports Development Foundation to plan, co-
3 ordinate, promote, and support the conduct and develop-
4 ment of amateur sports throughout the United States.

5 ESTABLISHMENT OF NATIONAL AMATEUR SPORTS
6 DEVELOPMENT FOUNDATION

7 SEC. 3. There is hereby established in the District of
8 Columbia a body corporate by the name of the National
9 Amateur Sports Development Foundation (hereinafter re-
10 ferred to as the "foundation"), which shall not be an agency
11 or establishment of the United States Government. The
12 foundation shall be directed in accordance with the provi-
13 sions of this Act by a board to be known as the Trustees
14 of the National Amateur Sports Development Foundation
15 (hereinafter referred to as the "board"), whose duty it shall
16 be to maintain and administer the foundation and to execute
17 such other functions as are vested in the board by this Act.

18 PROCESS OF ORGANIZATION

19 SEC. 4. The President of the United States shall ap-
20 point, in accordance with the provisions of section 5 of this
21 Act, incorporators, by and with the advice and consent of
22 the Senate, who shall serve as the initial board of trustees
23 of the foundation, of whom the President shall designate four
24 to serve for one year, four to serve for two years, four to
25 serve for three years, and four to serve for four years.

1 Such incorporators shall take whatever actions as may be
2 necessary to establish the foundation, including the filing
3 of articles of incorporation.

4

BOARD OF TRUSTEES

5 SEC. 5. (a) The board shall be composed of sixteen
6 voting members, and the president of the foundation ex
7 officio. Except for trustees first appointed (as provided in
8 section 4 of this Act), the term of office of each voting
9 member of the board shall be four years, and replacements
10 shall be selected by a majority vote of the board, except
11 that one of the four vacancies occurring each year after the
12 fourth year shall be filled by the President of the United
13 States, by and with the advice and consent of the Senate.
14 A successor selected to fill a vacancy occurring on the board
15 prior to the expiration of a term shall serve only for the
16 remainder of such term. No person shall be appointed as a
17 member of the board for more than one term.

18 (b) One member of the board (other than the presi-
19 dent) shall be elected annually by the board to serve as
20 chairman.

21 (c) Members of the board shall be selected from the
22 private sector of American society from among persons dis-
23 tinguished for their dedication to the highest ideals of sports,
24 for their freedom from bias in sports, and for their knowledge

1 and experience in sports development in its broadest sense.
2 Members of the board shall be selected from among individ-
3 uals who shall have distinguished themselves and achieved
4 recognition by their peers in their respective fields. Selection
5 to the board shall be made in such a way that at no time
6 shall there be less than two present or recent athletes serving
7 on the board nor less than one individual serving on the board
8 drawn from each of the following broad categories: financial
9 management; business, corporate, or athletic management;
10 research and development; the humanities; fundraising;
11 communication and public relations; sports medicine; archi-
12 tectural engineering; sports education; sports sociology and
13 sports psychology; and physical education. In selecting mem-
14 bers of the board, due regard shall be given to reflecting the
15 diversity of those engaged in amateur sports, with appropri-
16 ate weight given to such factors as race, age, and sex.

17 (d) The board shall meet at least quarterly at such place
18 and at such time as shall be determined by the chairman, but
19 he shall also call a meeting whenever one-third of the mem-
20 bers so request in writing. Each member shall be given notice,
21 by registered mail mailed to his last-known address of record
22 not less than fifteen days prior to any meeting, of the call
23 of such meeting. A majority of the voting members of the
24 board shall constitute a quorum. Members of the board, while
25 serving on the business of the foundation, shall be entitled to

1 receive compensation at a rate fixed by the board, but not
2 in excess of \$100 per day, including traveltime and while
3 so serving away from their homes or regular places of
4 business they may be allowed travel expenses, including per
5 diem in lieu of subsistence.

6 (e) Minutes of each meeting of the board shall be kept
7 and made available for public inspection at the District of
8 Columbia office of the foundation and at such other offices
9 as it may maintain. Such minutes also shall be available for
10 copying by hand or by duplicating machine, as requested by
11 any person, at the expense of such person.

12 POWERS OF THE BOARD

13 SEC. 6. (a) The board is authorized to solicit, accept,
14 hold, and administer gifts, bequests, or devises of money,
15 securities, or other property of whatever character for the
16 benefit of the foundation. Unless otherwise restricted by the
17 terms of the gift, bequest, or devise, the board is authorized
18 to sell or exchange and to invest or reinvest in such invest-
19 ments as it may determine from time to time the moneys,
20 securities, or other property composing trust funds given,
21 bequeathed, or devised to or for the benefit of the foundation.
22 The income as and when collected shall be placed in such
23 depositaries as the board shall determine and shall be sub-
24 ject to expenditure by the board.

25 (b) The board shall appoint a president of the founda-

1 tion, who shall serve at the pleasure of the board, and who
 2 shall serve as the chief administrative officer of the founda-
 3 tion. The president shall, subject to the supervision of the
 4 board, manage and carry on the business of the foundation,
 5 including the appointment of such other officers and employ-
 6 ees as he may deem necessary for the operation of the founda-
 7 tion. The board shall fix rates of compensation for officers
 8 and employees of the foundation.

9 (c) The actions of the board, including any payment
 10 made or directed to be made by it from any trust funds, shall
 11 not be subject to review by any officer or agency other than
 12 a court of law.

13 GENERAL AUTHORITY OF FOUNDATION

14 SEC. 7. The foundation shall have the authority to do
 15 all things necessary to carry out the provisions of this Act,
 16 including but without being limited thereto, the authority—

17 (1) to make such bylaws, rules, and regulations
 18 as may be necessary for the administration of its func-
 19 tions under this Act;

20 (2) to adopt an official seal which shall be judi-
 21 cially noticed;

22 (3) to sue and be sued, complain, and defend in
 23 any court of competent jurisdiction;

24 (4) to contract and be contracted with; and

25 (5) to acquire, control, hold, lease, and dispose of

1 such real, personal, or mixed property as may be nec-
2 essary to carry out the purposes of the foundation.

3 OFFICES

4 SEC. 8. (a) The principal office of the foundation
5 shall be in Washington, District of Columbia, or in such
6 other place as may later be determined by the foundation, but
7 the activities of the foundation shall not be confined to that
8 place, but may be conducted throughout the United States
9 and all other locations as may be necessary to carry out
10 the purposes of the foundation.

11 (b) The foundation shall maintain at all times in the
12 District of Columbia a designated agent authorized to accept
13 services of process for the foundation. Service upon, or notice
14 mailed to the business address of such agent shall be deemed
15 notice to or service upon the foundation.

16 USE OF FOUNDATION ASSETS OR INCOME

17 SEC. 9. (a) No part of the assets or income of the
18 foundation shall inure to any officer, employee, or trustee or
19 be distributable to any such person during the life of the
20 foundation or upon its dissolution or final liquidation. Noth-
21 ing in this subsection shall be construed to prevent the pay-
22 ment of reasonable compensation to trustees, officers, or em-
23 ployees of the foundation or reimbursements for actual nec-
24 essary expenses in amounts approved by the board.

1 (b) The foundation shall not make loans to its officers,
2 trustees, or employees.

3 PROHIBITION AGAINST THE ISSUANCE OF STOCK OR
4 PAYMENT OF DIVIDENDS

5 SEC. 10. The foundation shall have no power to issue
6 any shares of stock nor to declare or pay any dividends.

7 DISSOLUTION OR LIQUIDATION

8 SEC. 11. Upon dissolution or final liquidation of the
9 foundation, after discharge or satisfaction of all outstanding
10 obligations and liabilities, the remaining assets of the founda-
11 tion may be distributed in accordance with the determination
12 of the board and in compliance with this Act, its bylaws, and
13 all other Federal and State laws applicable thereto.

14 RESERVATION OF THE RIGHT TO AMEND OR REPEAL
15 CHARTER

16 SEC. 12. The right to alter, amend, or repeal this Act is
17 expressly reserved.

18 REPORTS

19 SEC. 13. The board shall submit to the President of the
20 United States for transmittal to the Congress in January of
21 each year a report which shall include a comprehensive de-
22 scription of the activities and accomplishments of the founda-
23 tion during the preceding calendar year, together with an
24 evaluation of such activities and accomplishments in terms of
25 the attainment of the objectives of this Act and any recom-

1 mendations for additional legislative or other action which
2 the board may consider necessary or desirable for attaining
3 such objectives. The report shall be printed as a public
4 document.

5 AUDIT OF FINANCIAL TRANSACTIONS

6 SEC. 14. (a) The accounts of the foundation shall be
7 audited annually; in accordance with generally accepted
8 auditing standards, by independent certified public account-
9 ants or independent licensed public accountants, certified or
10 licensed by the government of the District of Columbia.
11 The audit shall be conducted at the place or places where the
12 accounts of the foundation are normally kept. All books,
13 accounts, financial records, reports, files, and all other papers,
14 things, or property belonging to or in use by the foundation
15 and necessary to facilitate the audit shall be made available
16 to the person or persons conducting the audit; and full facili-
17 ties for verifying transactions with the balancees or securities
18 held by depositories, fiscal agents, and custodians shall be
19 afforded to such person or persons.

20 (b) A report of such audit shall be submitted to the
21 Congress not later than six months following the close of
22 the fiscal year for which the audit was made. The report
23 shall set forth the scope of the audit and shall include such
24 statements as are necessary to present fairly the assets and
25 liabilities of the foundation; its surplus or deficit, with an

1 analysis of the changes therein during the year, supple-
2 mented in reasonable detail by a statement of the income
3 and expenses of the foundation during the year; and the
4 independent auditor's opinion of those statements. The re-
5 port shall be printed as a public document.

6 APPROPRIATIONS

7 SEC. 15. (a) For the fiscal year ending June 30, 1974,
8 there is authorized to be appropriated to the board the sum
9 of \$1,000,000 for use by it in carrying out the provisions
10 of this Act.

11 (b) For each fiscal year following the fiscal year end-
12 ing June 30, 1974, there is authorized to be appropriated
13 to the board for use by it in carrying out the provisions of
14 this Act an amount equal to the amount of donations, be-
15 quests, and devises of money, securities, and other property
16 received by the board during the fiscal year preceding the
17 fiscal year for which such appropriation is made, except that
18 the total aggregate amount appropriated pursuant to this
19 subsection shall not exceed \$50,000,000.

Senator TUNNEY. Our first witness will be made up of a panel of athletes. We are going to have them approach the witness table, if they would—Harold Connolly, Willie Davenport, Tom McMillan, Suzy Chaffee, and Donna de Varona.

Shall we proceed in alphabetical order, which would mean that we will start with Harold Connolly, then go to Mr. Davenport.

Senator BEALL. Mr. Chairman, before you start, may I observe we all have a great deal of pride in those people who come from our individual States. I am happy to see Tom McMillan from the University of Maryland is at the table this morning. He is not only renowned as a great basketball player, one who has brought honor to himself and our State University, but he is also a very substantial citizen on the Maryland campus and fulfills a role of leadership that is an example to envy other students on the campus and sets a fine example for people in Maryland and elsewhere by that kind of activity.

I am happy to welcome him here this morning.

Senator TUNNEY. Thank you, Senator Beall.

I was going to wait until later to say that the two most beautiful witnesses are from my State, besides being great athletes.

Mr. Connolly.

STATEMENT OF HAROLD CONNOLLY

Mr. CONNOLLY. My name is Harold Connolly. I am an English teacher at Santa Monica High School and Santa Monica College, Calif., and I am President of the Beverly Hills Striders. I participated in four Olympic games, 1956, 1960, 1964 and 1968. I won the gold medal in the hammer throw in the Melbourne Olympic games and held the world record in my event for 9 years.

During the 2 years I taught English on a Fulbright Grant in Finland, 1962-64, I also served as that country's national coach of the hammer throw.

From my long international experience as a competitor and coach, I have firsthand knowledge of the administration of track and field in this country and abroad.

Following Munich, a great deal of criticism of our Olympic sports administration appeared in the news media across this country. For me and many other experienced Olympic athletes the story was not new. The structural and administrative inadequacies that made many of the difficulties at Munich occur have been present in our Olympic effort throughout my competitive experience.

Just as serious if not as widely publicized disasters to our athletes have occurred in the past, and they have been chiefly the result of ineffective, shortsighted administration.

I think I would like to inject here a few personal experiences to back up that statement.

In 1960, as a member of the American Olympic team, we had to compete in Bern, Switzerland just prior to the opening of the Olympics in Rome. The American track and field team was faced with a 13-hour train ride through the Alps with 22 stops before we arrived in Rome, while the other athletes from other countries were flown in a 2-hour plane ride down to the Olympic village in Rome.

There was no sufficient explanation of why that occurred other than people told me that the officials were told it was a beautiful ride through the Alps on a train.

In 1960, each athlete was given \$1 per diem, and those athletes who were not in the training sites, like myself, who had to work, asked the Olympic Committee if we could have that \$1 a day while we were working at our professions because it would help a little. It was denied.

In 1968 a training site was held at Lake Tahoe in California. Those athletes that could come, that could afford the time from their work, were certainly invited to appear and train there, but I was not one of those. I had four children and had a job, and I had to make sure that that was all provided for.

The athletes who had wives and could bring them and families to the Lake Tahoe training site were allocated \$8.50 a day which the Olympic Committee estimated it cost them to feed each athlete, and they were allowed to live in motels near the training site, and they were given this money toward defraying their expenses.

I requested that while I was training as hard as I could in Los Angeles I could use that \$8.50 or part of it because I was saving the Olympic Committee money by not living in the training camp. It was denied.

I would like to mention also that in 1968 the communication between the U.S. Olympic Committee officials and the athletes really broke down because the Olympic project for human rights, which was initiated by Harry Edwards, was totally ignored by our Olympic officials. They never made serious effort to communicate with the black athletes on our team to find out really what they were thinking, and they let the whole situation get out of hand when it was obvious they could have done a great deal more early before anything occurred in Mexico City.

And I would like to make a remark about the Amateur Athletic Union, just one. There are many I could make, but just one.

I was appointed to the Track and Field Board of the Amateur Athletic Union as an athletes' representative in 1969. This is a group of seven men who really legislate the activities of track and field through the AAU, the day-to-day functions of the sport.

And after sitting on that board for a while, I said, "We should have an election for the representatives of the athletes. It shouldn't be an appointed position."

And I put together the apparatus for an election at the National AAU Track and Field Championships in Bakersfield in 1970 and was reelected by the athletes and felt a lot better sitting on that board having been elected rather than appointed.

Some months later I was frustrated by the work on that board, and I decided I could do more for athletes, more for my sport, by working from without, and I resigned. They appointed a new man. There was no election held in 1971.

And I insisted through my contact with the athletes we should have another election, and it happened in 1972, and athletes' representatives were elected by the athletes in Seattle, Wash. And that election has never been recognized by the AAU.

In January of this year, I was invited by Carl Cooper, the executive director of the U.S. Track and Field Federation, to attend a meeting of a newly formed group which called itself the Committee for a Better Olympics. I learned that this committee was formed of numerous representatives of diverse organizations concerned with the administration of amateur sports in the United States. There were other Olympic athletes invited to this first meeting in Chicago.

At first I was fairly skeptical about the objectives of this committee, feeling that it might be simply a power move on the part of the National Collegiate Athletic Association, the junior colleges, and the high school organization to wrest control of Olympic sports in this country from the U.S. Olympic Committee. I was not about to align myself with any such strategy which I felt would leave Olympic athletes in no better position of influence than they had previously suffered.

As the work of the committee progressed, I became convinced that the views of Olympic athletes were going to be taken into serious consideration by this group. I was elected by the Olympic athletes in attendance to poll all our athletes who competed in Munich on three questions:

(1) Did they think the U.S. Olympic Committee should be restructured? (2) Were they in favor of the Committee for a Better Olympics' proposed changes in the U.S. Olympic structure? (3) What further amendments or suggestions did they propose?

Approximately 400 letters were sent out by me. I received 63 responses. Only one athlete felt that the U.S. Olympic Committee should not be restructured. There was a heavy mandate from the responses I received in favor of change.

To the second question there were 55 athletes in favor of the proposed changes of the Committee for a Better Olympics. Six athletes were opposed to these suggestions, and the other two did not vote on this question.

Many athletes wrote letters and made numerous suggestions for me to convey to the next meeting of the Committee for a Better Olympics.

I would like to share with you a sampling of the views of athletes in various sports on our last Olympic team.

Duncan McFarland, in volleyball, said:

This idea of communicating with athletes is good. I hope that it is continued in the future since the Olympics are supposed to be for the athletes who have to work so hard to get there. Their voices should be heard above all others.

John G. Burton, in canoeing, said:

The staffs organized for various duties during the games should be composed of highly qualified specialists rather than numbers of nonspecialists.

Phil Grippaldi, from weight lifting, said:

More funds for athletes. More facilities, competent coaches, financial assistance to athletes. More voice in the rules. Athletes should be reimbursed for the time they lose from work while attending Olympics, pan-American, or world championship meets.

Milt Sonsky, in track and field, said:

I am in favor of Federal support and control of all Olympic sports. Federal construction or support of hundreds of training sites with complete indoor

and outdoor facilities, and for enactment of laws to open all high school and college facilities to athletes training for any Olympic events. The Government certainly cannot do any worse than what has been going on for 50 years and it should be able to do much better.

James Slatton, from water polo, said:

I would like to see a trust fund established whereby an athlete in pre-Olympic-year training might obtain a low cost loan to enable him to devote full time to train without the worry of the rent and the next meal such as I went through. I, myself, incurred over \$5,000 worth of debts.

Charles Hewitt, from the rowing team, said:

Athletes receive little or no direct information on policy. The answer is improved feedback. All athletes should be polled before a decision is made or at last informed of a possible impending decision which may affect their performance. This year's pole vault is an example of neglecting this. The Olympic Newsletter, which is now useless chatter, could be used for this purpose. This would involve a minimum of extra effort.

Finally, I would like to relate to this committee a very perceptive letter from Capt. Scott Taylor, one of our representatives in the modern pentathlon at Munich:

We definitely need a major overhaul in structure, functions of various designated jobs, methods of selections, and qualifications of men serving in each position.

Modern pentathlon, like most other sports, has its own federation which recommends to the Olympic Committee representatives to participate in the games. An extremely complicated superstructure of interlocking committees handles all decisions affecting all aspects of modern pentathlon.

To further complicate the administration, the Army runs both a Pentathlon training center and a separate Biathlon training center in Alaska. These two training centers are run out of Department of Army Sports in Washington. Both also fall under the President and Ruling Committee of the U.S. Modern Pentathlon and Biathlon Association.

Between the U.S. Modern Pentathlon and Biathlon Association, the Army, and the Olympic Committee, it's a complex interlocking mess of committees and ruling bodies. A relatively few people serve on these committees being appointed or elected to several at once. These people, of whom few, hardly any, are athletes, hold onto things not wanting to alter the status quo.

The Federation meetings are always held a great distance away from where the athletes can easily get to the meetings. Athletes have had two semi-official sessions in the last 2 years following the national championships. Many strong, positive suggestions are passed which seem to disappear as if the meetings were never held.

At the Olympics, we received a few bad calls from the Fencing judges, which is to be expected. On the whole, in the athletic arena, we had fair treatment and certainly no favors. We finished 4th overall with 14,802 points missing the Bronze by 10 points. Two days later came information that the 3rd place team had used tranquilizers at the shoot from the 2nd or 3rd of September until the 11th. Some protest activity was in progress.

Being over 70, you might say our Association's President couldn't handle the extended battle. At an extremely crucial stage Dr. Hanley of the United States Olympic Committee and the IOC Medical Committee couldn't be located.

Like Basketball, our rights and rules were slowly ground down through the various parliamentary blocking methods. We seemed horribly outgunned in the political arena and lacked aggressive action.

Changes are necessary in the National United States Modern Pentathlon and Biathlon Association. The Olympic Committee has little contact with Pentathlon. On the way to Munich I sat next to Clifford Buck, President of the USOC. His knowledge of Pentathlon had such limitations he did not know what sports are involved in Pentathlon.

In Munich the athletes sent representatives to a "bitch session" with Ralph Boston and Don Schollander. Many apparently simple problems that the USOC failed to handle and "screw-ups" were discussed. I have no knowledge of the report ever being drawn up and turned in.

To me, 50 percent of the problems arose from the administrative structure and method of functioning of the USOC. The proposed changes they recently presented don't sound much different from the old ways. It reminds me of another way of restating the same plan like a life insurance company. We need sweeping changes now. We need the USOC to affect a positive approach, not a complacent, inactive, clumsy administrative agency.

That is the end of the remarks of the captain from Texas.

I would just like to express briefly my own feelings. We desperately need to provide for a greater voice and vote for athletes at all administrative levels of amateur sports in the United States. We need a regulatory agency such as Senator Pearson proposes in his bill to eliminate the factional disputes between the existing sports governing bodies in the United States.

I am in favor of Senator Pearson's bill primarily because it provides a requirement that a sports-governing body must have a 20-percent voice and vote of athletes in its organization before it can receive a charter to be the sole sanctioning authority for that sport in this country.

I further believe that we also need a thorough investigation as proposed by Senator Tunney and a restructuring of the U.S. Olympic organization, because it is much too large with 3,012 votes, it is self-perpetuating, and it is insensitive to the desires of the athletes.

I am not opposed to the concept of a national amateur sports development foundation. I feel, however, that it is first necessary to establish a regulatory body to eliminate the factional disputes, to see that the existing sports organizations perform their functions as they should, and to assure that athletes have a voice and a vote in policy decisions.

After this is done, followed by a thorough reorganization of the Olympic structure in the United States, I think it is then time to consider the establishment of a national amateur sports development foundation.

I should say there is no question that many of the provisions in the national amateur sports foundation are necessary, but I have no faith that the prestige of such a foundation could exert a harmonizing influence over the present disputes in amateur sports.

The prestige of General Douglas MacArthur and the Kiel Commission totally failed in this regard.

To establish a sports foundation first would result in the granting of funds and the perpetuation of presently existing inept and inefficient sports-governing structure in this country.

Thank you.

Senator TUNNEY. Thank you very much, Mr. Connolly, for a very lucid and compelling set of facts which you outlined from your own personal experience. I think it is an excellent statement.

We are pleased to have been joined by Senator Gravel, who is one of the authors of the bill. Senator Gravel, do you care to make a statement.

Senator GRAVEL. No, except, Mr. Chairman, I have two other conflicts on committees, which is sometimes how it happens. I would like to turn in a statement for the record and sort of a potpourri of articles summarized, and the articles themselves,¹ on my proposition, if that could be included in the record.

¹ See p. 105 for the articles.

Senator TUNNEY. They will be included in the record.

Senator GRAVEL. I appreciate the courtesy, and I think the subject is in the finest hands in the country.

Senator TUNNEY. Thank you, Senator Gravel, for joining us.
[The statement follows:]

STATEMENT OF HON. MIKE GRAVEL, U.S. SENATOR FROM ALASKA

A NATIONAL SPORTS DEVELOPMENT FOUNDATION

Sport is an integral part of American society. Our citizens are known the world over for their enthusiastic pursuit of sports. Our nation enjoys a long history of athletic accomplishments in such international competition as the Olympic and Pan-American Games. American educators recognize sports experiences as important in the modification of behavior and the socialization of the individual. Consequently, physical education has been made a basic ingredient in the curricular structure of our schools.

Yet, unlike most other nations, the United States lacks a national sports program. There exists no organization, in either the public or the private sector, concerned with the policy, planning, conduct, and development of all kinds of sports.

The administration of amateur sports in the United States is the responsibility of a multiplicity of independent, private, and largely voluntary associations. There is no national federation of sports-organizations bodies to concern itself with the broader interests of our amateur sports as a whole.

The U.S. Olympic Committee has responsibility for developing more than a score of Olympic sports, of course, but its concern does not extend much beyond administering our participation in the quadrennial Olympic and Pan American Games.

Each independent sports organization seems to be doing its job quite well, given the resources with which it must work, but none is concerned with the broader aspects of planning, coordination, promotion, and support of amateur sports in general. There is no focus for leadership that looks beyond partisan interests to serve the broader needs of the whole nation in amateur sports. The predictable result is the complete absence of any comprehensive policy.

This laissez-faire attitude toward amateur sports has failed to create equal opportunities for participation by all our citizens. It has resulted in disproportionate emphasis being placed on some sports to the detriment of others, and has weakened the efforts of the United States in international athletic competition.

To strengthen and expand the development of amateur sports in the United States, I have joined with Senator Strom Thurmond to introduce legislation to establish a national Sports Development Foundation. The Sports Foundation we propose will study national needs in order to develop a comprehensive national amateur sports policy.

Some of the most important ways this Foundation will assist amateur sports are the following:

It will strengthen underdeveloped minor sports. The present absence of a truly national sports program makes each sport dependent upon popular appeal to meet its financial requirements. But minor sports lack the widespread participation necessary for financing an effective development program. This paradox could be resolved by a Sports Foundation, which could underwrite the necessary development effort.

It will identify sports facility requirements and arrange for what is needed. At present there is no comprehensive inventory of sports facilities, and the present location and quality of even such common facilities as swimming pools leaves much to be desired. The United States has almost no luge and bobsled runs, speed-skating tracks, velodromes, and rowing courses which meet international specifications. These are deficiencies which could be met by a National Sports Development Foundation.

It will encourage research in sports medicine through grants-in-aid to competent medical personnel and research centers. Fundamental research of this sort

is important in preventing and treating injury and in improving human performance under stress conditions.

It will provide a central source of information and statistics on amateur sports in the United States. The Sports Foundation could serve as a data bank and statistical research center to accumulate and analyze information, which will provide understanding of the needs of amateur sports.

It will contribute to the quality of competition within given sports by assisting in the design of improved equipment. Costly development of this sort is frequently not undertaken because its limited sales potential is unlikely to provide an economic return.

It will improve sports administration, thereby strengthening the internal organization of the sports bodies. The Sports Foundation could provide consulting services in such areas as management, financial control, fund-raising, and data processing.

It will improve the quality of coaching by contributing to the costs of sports clinics, producing new and better instructional materials, and providing professional advice through a staff of sports advisors.

It will provide a forum for the voluntary settlement of conflicts within the amateur sporting world. The failure of arbitration to resolve disputes between sports bodies in the past can in large measure be attributed to the lack of public pressure to accept decisions reached after careful negotiation. The National Sports Development Foundation would have the prestige and public visibility to enable it to avoid this pitfall. Its impartial interest in what is best for all of amateur sports would give it a national stature well suited to the role of arbiter.

It will help bridge the gap between athletic participation within the educational system and post-school competition. Today there is a fair degree of continuity for the athlete from grade school through college, but when the individual leaves the educational system he is often not able to contribute his participation. The individual may not be aware of the opportunities available outside the school system. Moreover, suitable sports facilities may not even exist. A Sports Foundation could help overcome these difficulties, greatly facilitating amateur sports activity among older age groups.

It will greatly broaden the opportunities for participation in amateur sports. Improvements such as the development of minor sports and the provision of sports facilities would be particularly valuable in providing opportunities to lower-income groups.

It will strengthen the position of United States competitors in international amateur athletic events through its development of a well-balanced athletic program.

This list is not meant to be an exhaustive account of what the National Sports Development Foundation would do for amateur sports in America. Nor have a mentioned any of the social benefits which are not directly sports-related. One of the most significant of these is the contribution it would make to the health and physical well-being of our people. Another is the alternative it would provide to the goallessness that has condemned too many of our young people to the cycle of drugs and delinquency.

Given the direction and support a National Sports Development Foundation will provide, amateur sports in America can continue to perform an invaluable function in developing the individual and enriching the variety of his experience, contributing to fitness, physical well-being, and alleviating some of the pressing social problems facing the nation.

Senator TUNNEY. I think we will go on to the other witnesses before we question, unless any of the Senators have objections to that.

I would like to prove that I don't know my alphabet by calling now on Ms. Suzy Caffee.

STATEMENT OF SUZY CHAFFEE

Ms. CHAFFEE. Thank you, Mr. Chairman, distinguished Senators.

I would like to begin by thanking you for assigning such a high priority to the sports question and the idea about changing the status

quo in sports in the United States and the development or lack thereof. And I would like to express some of my feelings about this and what my experience level is behind these feelings.

In 1968 I had the privilege of being the captain of the 1968 Olympic ski team. I believe that this is probably the best way to start this out, by saying the "privilege," because, indeed, had my parents not been fairly solvent I would not have had that opportunity to compete in sports.

And while we are not dealing here with women's lib, I can say that as a woman I had fewer opportunities than men to be able to compete in sports.

But, luckily, my parents had some money. As I proceeded along with what very undeveloped coaches there were at that time at the grassroots level—and there still is a lack—luckily was spotted as having some talent, and one of the few clubs in America who offered financial opportunities for women—I mean this was the only one. I was lucky enough to have the chance to get coaching there and some financial help, and I trained under a French coach because they were more developed at the time.

I was soon to know that. "Gee, if I had lived in France, maybe I'd be 3 or 4 years more developed than I was at that time." And not only would I be more developed, but everyone in France or in the mountain area at least, in addition to skiing, would have other opportunities that I would have had had I lived in France.

I think this is very important for the benefit of all, all children and all people of all ages. And out of that people are selected for teams and brought along.

Going back to the word "privilege" again, although I was lucky to have been born to parents who had some money, it was a financial burden on them that they should not have been forced to bear. When I reached the college level I found that as one of the highest ranked women athletes in the country I could not get a sports scholarship.

On top of that, the coach of the University of Denver team was discouraging women from competitive skiing because it was "bad for the ovaries."

I have spoken here about being in a privileged group, but again, in effect, what I have been speaking about is that I was a member of a minority group, and I'd like to carry that minority message a little further.

In our society there is another form of privileged minority. The athletes from the professional sports that have made it up from the street games into basketball, baseball, football, boxing, and into the high salaries to a privileged state.

But for everyone of those who make good there are dozens who never reach the top that are cast away on the scrap heap with hardly any skills beyond athletics. I think this is a very exploitive system and certainly not for the benefit of all Americans.

I'd rather see the spectators, for instance, who are watching these overdeveloped athletes become inspired to go on and then develop themselves physically. But this isn't the case in America today.

I believe that sports can be a way for the people to get in better touch with their bodies and a better way to achieve mental and physical health which are so greatly interrelated.

But what about these club sports like skiing, like swimming, like skating? There has never been one black top national athlete from these sports with the exception, for instance, in tennis of Arthur Ashe and Althea Gibson.

But the reason here is simple. Blacks have not had the privilege to begin at the beginning and filter through these systems to the top.

If the national sports development foundation had begun its progress of making it up to this point 10 years ago, then we would have been able to see all these athletes bearing the fruits of opportunities in the 1972 Olympics or in the next Olympics.

Having recently moved to Manhattan, I felt firsthand the frustrations of living in a concrete jungle with little opportunity in sports, and with a population of 2 million people there are only 107 tennis courts. And the rental prices are just out of sight.

But although tennis did have its origin as a club sport, it is one of the few sports that people of all ages can participate in, get exercise from, in an urban environment.

I believe that with the national sports development foundation that this situation in facilities and availability of coaches and having athletes then turning out and helping other athletes in these areas could be realized. This could all be happening through the national sports development foundation. Let's change some of the parking lots back into playgrounds.

For the past 8 years I have had the privilege of traveling and representing my country in competition throughout the world. And although my diplomacy hasn't been up to the caliber of the pingpong diplomacy that we have seen in the past, it has given me an opportunity to see how the other countries have made sports their priority as far as the health and well being of the country. And how they have incorporated into this national sports development foundation.

In the United States, for instance, we spend \$63 billion on chronic diseases. And how much money we could have saved and how many more people could have enjoyed a higher quality of living, of really living, through sports and its mental and physical relationship?

What I am really saying here is that I would like to get rid of my privileged status!

I'd like to just end by saying that since I have been competing I have also just been selected one of seven athletes on the Board of Directors of the U.S. Olympic Committee. And just having you Senators focusing on our difficulties in sport has really lent a great brain trust to the sports situation.

I think Hal Connolly brought up a lot of great ideas, one of which about 20 percent of the athletes being involved in all these sports organizations that may come out of this. I think this is a tremendous idea.

I think between the athletes and the know-how of you gentlemen focusing your brains on sports, the U.S. Olympic Committee has come a long ways, but they have a long ways to go.

Again I thank you for the opportunity of inviting me here today and sharing with you my experiences.

Senator TUNNEY. Thank you very much, Suzy, for your remarks.

We will have some questions for you and for Hal Connolly but we

will continue with the panel and then we will direct individual questions.

Next, alphabetically, is Mr. Willie Davenport.

STATEMENT OF WILLIE DAVENPORT

Mr. DAVENPORT. Thank you very much. It is my pleasure to be here. I don't want to repeat the things that have been said but I would like to add a little bit more to what Ms. Chaffee has said and what Mr. Connolly has said.

I have been fortunate enough to make three Olympic teams, in 1964, in 1968 and in 1972. In 1968 I won the gold medal in the 120-yard high hurdles. But that's not where it all climaxed or that's not where the beginning was.

I can look back over a few years, in fact, 11 years exactly. In my junior year in high school if it had not been for my high school coach urging me to participate in sports, to say, "Son, this is a way for you to become successful; this is a way for you to get your education," I don't think that I would be in the position that I am today.

I say that simply because I have to contribute my education to my athletic ability. I have to contribute my profession as of now to my athletic ability.

So what I am saying in a sense, in a nutshell, is that if we do not have a grass-roots type organization, if we do not have something on the basic ground level of sports and athletics, we are just not going to have it in this country, especially within what a lot of people refer to as ghettos. The people who live in the ghettos say that this is their home.

But that's neither here nor there. These people within this geographical area are deprived of many different things. No 1, they are black. Because this is where the ghettos are supposed to be. The opportunities are not there.

If a person like myself is fortunate enough to be in the right place at the right time, he may or may not get this opportunity.

God gifted me with the talent to run the hurdles faster than anybody else in the world. I hold every world record in the high hurdles. But yet, still, I ask myself: Where did it all come from? Where did I get it?

I got it because I was in the right place at the right time.

In 1962 I joined the U.S. Army. At that time I was fortunate enough to have a company commander who said, "Look, you have the athletic ability. You need to go off some place by yourself and train."

This company commander took his paycheck and paid me a hotel bill downtown in Mainz, Germany. He let me compete with the Mainz University track team. From there I made the all-Army team.

1964 was my first trip I ever took representing the United States of America, with the 1964 Olympic games in Mexico.

After that, with my ability to exceed as far as I did, Southern University offered me a scholarship. Before I went to Southern University I held the world record in the high hurdles, which was my first world record.

And I am repeating myself again, but I hope that you get the point—that athletics, the basic grassroots organization, got me where I am today.

And not to repeat what other people have said, I would like to thank you once again for giving me this opportunity to come here.

Senator TUNNEY. Thank you very much, Mr. Davenport.
[The statement follows:]

STATEMENT OF WILLIE DAVENPORT

Senator Tunney, distinguished Senators: My name is Willie Davenport. I've come today to talk to you of my hopes and my dreams for the growth of my country in every way through the development of its people using sports as a basis. At the present time, I am the Youth Co-ordinator for the city of Baton Rouge, Louisiana, and a member of the Mayor's and President's council on Youth Opportunity. As a result of these experiences, I have seen instances of how the athletic experience can change the direction of a man's life.

Personally, I have been lucky. I seem to turn up at the right place, at the right time. God gifted me with the ability to get from one place to another over a premeasured distance faster than most men. I first began to recognize that fact while at High School in Warren, Ohio. Although my coaching did not become available to me until my senior year, at which time it was really too late for me to move up through the normal ranks of a runner's progress.

In 1962 I became a member of the United States Army and, perhaps because the duty was more pleasant, went out for my post track team. My Company Commander had good feelings toward athletics and encouraged me. I did so well on the post team that I became a member of the United States All Army team and, as a member of that team, competed in the 1964 Olympic Games. In 1965, I left the Army and attended Southern University in Baton Rouge, Louisiana. Until my graduation in 1970, I competed as a member of the Southern University Track Team and have since continued with my own running as well as coaching with my own track club in Baton Rouge. I was a member of the United States Olympic Team in 1968 and in 1972, and won my gold medal in 1968.

I was a black kid who could run fast. I got into the Army and this was recognized. I was lucky, and everything that has happened to me since that time has been the result of that luck.

What I would like to do now is hypothecate. What might have happened if I had not gone into the army? Would I have turned to further schooling or would I have put my ability to run into another kind of use?

Sports and sports development have not truly opened to black youth or to under-privileged youth in this country. The kids that I work with in Baton Rouge are the gold medal winners of the future; they are the kids that are going to be able to further their education through athletic scholarships received as a result of some of the early training we were able to instill in them. They are going to be morally straight, as well as physically straight. They are being taught that there is no room in athletics for juvenile delinquents. I spend a lot of time in juvenile courts and I see the results of street kids, kids with energy to burn, kids with competitive souls with no place to go and no way to release their energies, getting into trouble.

Not long ago, I heard about a bill calling for a National Sports Development Foundation and I read the bill carefully. I saw in this bill the vehicle for me to use to provide to my kids on a local level, and you will have to excuse me for being selfish and seeing my own situation at this time, but I see a Foundation that can urge local communities to open up facilities . . . to assist in the training and development of coaches . . . to helping to provide a way out, and a way up, to a lot of kids who cannot see that opportunity today. Senators, I know what will work for Willie Davenport in Baton Rouge, Louisiana, will work for guys like me in ghettos, in small country towns, in all under-developed situations within the United States.

I have had the opportunity to talk with athletes, coaches and fans all over the world and to compare programs and national styles. We Americans have seen some of our pride bruised a bit in the last Olympics. We have also seen very vivid demonstrations of how national interest can be diverted to an

activity, and the results that can be achieved by this drive. Take a look at what East Germany did between the 1968 and 1972 Olympics and just count the resulting medals.

I have got future potential gold medals on the streets of Baton Rouge, Louisiana. I've got future doctors, lawyers, educators and coaches. I believe that a National Sports Development program can make it all happen. I bear witness to the fact that running fast can take a black kid pretty far, so far.

Senator TUNNEY. Our next witness is Donna de Varona.

STATEMENT OF DONNA DE VARONA

Ms. DE VARONA. Mr. Chairman, Senators, I have been to four Olympic games. My first games I participated in were the 1960 Olympics in Rome when I was 13 years old.

I tell this story as a person that was also privileged.

I am not going to read my testimony because I feel that those things have already been said.

Senator TUNNEY. Your statement, as with statements of all the witnesses, will be included in the record, and so now you can say anything that you like.

Ms. DE VARONA. Thank you. I don't want to be redundant. I feel Hal Connolly's testimony speaks for the individual athlete.

I speak as an athlete in this country that was a privileged athlete in the respect that I came from California where there was a grass-roots program for me in my sport.

I will never forget when I wanted to go out for the baseball team, and I was just the wrong sex, and I couldn't play. And somehow I found the sport of swimming.

But when I went to the Rome Olympics, to point some of the blunders of the Olympic Committee—and I must admit that at this time I want to state that the efforts by individual men in amateur athletics and the Olympic Committee are the reason why we have had some of the opportunities to participate. I do not want to malign the good that has been done by the Olympic Committee. I feel they have a cumbersome problem. And just as sports has outgrown itself, I think the Olympic Committee must be revised.

When we question what an amateur is and we find professional track and field, we are looking at a country that is changing, and the values are changing as far as sports.

Sports is big entertainment. If you look at professional sports, we have to consider some of the antitrust problems that exist there. We have to look at the future of what an amateur sport is and what the propaganda value is if that is what we are considering of the Olympics.

When I heard that the Senate was interested in the amateur athlete, I had to question, as many athletes do, the motives behind such legislation. I have found with most organizations as an individual athlete that I have not been represented and my individual rights have not been represented.

In 1960, to go backward, when I was 13 years old, I was accused of taking pep pills. At 13 years old, I didn't even know what a vitamin was, let alone a pep pill.

I was called up by a coach every night threatening me if I did well in my performance that when I went to the Olympic games I would be tested with a saliva test.

I had no backing from any committee in trying to push forward and trying to figure out what the aims of this individual coach were.

When I got to Rome at the Olympic games there was a big pep pill scandal. I don't know if you remember that. That came from one individual coach that was given the opportunity to express what he felt was going on in the Olympic committee. The press picked it up. There was no investigation done to help out the individual athlete and to help me in my plight.

I was accused unjustly, and there was no followthrough after the games.

This coach continued to coach swimming until the end of his days. Fortunately, he is not with us any more.

But these are the kind of things.

Even in 1960, all the athletes flew over in prop planes, 18 hours, and the officials flew over in jets. They were housed in air conditioned housing. We were not. And that was the beginning of what I understood about the Olympic games.

Further than that, in 1964, the Olympic committee did make improvements, and I still must admit that I come from a sport that is very privileged, but if you look at swimming in America, you will find that most of your athletes come out of the State of California. They come out of California because there was a man there named George Haines and some YMCAs that made pools available.

When I first started to swim, even though I was privileged, I used to have to travel 2½ hours each way to find a pool. In many cases, depending on the AAU/NCAA feud, that determined what pool I could use. If I couldn't use a college pool I used to have to travel from my home in Lafayette all the way over to Treasure Island, the military base, and I submit my coach must have bribed one of the commanders to let us in to swim.

Otherwise, I swam in dams and traveled and swam in many different pools all over the country.

I asked myself if my father hadn't believed so much in sports and I hadn't come from the State of California, would I have had the opportunity to compete?

This brings me to the next point. I do believe that for all these reasons we must clear up our international problem with what to do with the individual athlete, and I get back to the rights of the individual athlete.

In my testimony I asked who has a right over the jurisdiction of me to play? I am not a basketball player. But if I want to compete in an AAU competition, does the NCAA have a right because I'm under scholarship to stop me from playing that game? And should it necessitate a letter signed by 48 Senators to Mr. Byers to release those players to play in a game?

I don't think that does very much good for our image abroad. And I think this is what we have to concern ourselves with.

Denver was another mistake. Denver—I do not feel personally that we should have held those games there. No one checked into that Denver committee that made those recommendations for the Winter Olympics.

If you looked at those recommendations and you looked at what they came up with for the Winter Olympics, you found they could

not have possibly been held. They did not have any understanding of how much funds they needed to carry on those games. And some of the ski slopes were obviously put through private homes.

The idea of having winter games spread apart with helicopters supposed to accommodate spectators was foolish, because there's no way during the winter you can fly people around in helicopters.

So there were various mistakes that hurt us as far as that Denver presentation. And if you have had occasion to be in other countries and have them look on this country at the international problems we have, it looks very silly.

But beyond the international problem, beyond the NCAA, the AAU and the Olympic committee, the amateur athletics have been at the mercy of funding. Contributions are the only thing that have kept us going. So, obviously, when we are getting into a professional idea, when we want to send our best Olympic team, we have to reassess our values.

Do we want to send our best hockey team or basketball team to play with the Russians? This is where Senator Tunney's suggestion is. What are our aims at the Olympics? Are they to have the world games strike the amateur? Are we going to support professional teams? Should we have team play? How should we deal with the officiating?

These are all questions that Hal Connolly brought up. These are questions that have been dealt with in the superstructure. But never have we come back down to what the athletes want and how they want to be represented.

I think obviously—and I hope and beg all you Senators to work together in an effort to clear up this problem.

But, more important, when I quit swimming, I worked in youth programs in this country. I went to Detroit, Chicago, New Orleans, Newark, and I worked with black kids, Mexican American kids and white kids. I worked in the summertime when there were no pools and kids could only get wet because there were fire hydrants.

I found that a disgrace in this country. I found it a disgrace that playgrounds were locked for kids.

We can talk about the superstructure and an athlete like myself who is going to make it, but I don't think we have any progressive youth programs in this country. Maybe the hands have been tied because of the AAU and the NCAA to give funds for opening up these playgrounds and providing expertise.

But I do feel that in hand with the superstructure and the help for the Olympic athlete and the professional athlete—because I think amateurs that work 6 hours a day are professional in what they do—we have to look at our resources available. We have to take these people and filter them back down into grass-roots programs. We need that leadership.

And that's why I believe in a sports development foundation. I do not think it competes or tries to settle the AAU or the NCAA. I think it offers an idea, a brain trust, to work with grass-roots programs and to do what we should for our youth.

Because I think when we talk about the Olympics we are talking about what has become a great arena for propaganda value. Yes, the gold medal count does mean something. Does it mean we are trying

to show off how good we are and what vigor we have when we go to these games? And is that truly representative of America—when you still have kids that are locked out of the playgrounds? Thank you.

[The statement follows:]

STATEMENT OF DONNA DE VARONA

Mr. Chairman and Members of the Committee: I have come before the Committee today to testify on behalf of the many athletes concerned with the future of sports development in America. I speak as a privileged competitor. I participated in the sport of swimming in the state of California where not only programs and weather permit that kind of activity but where my parents were able to encourage and subsidize my sport.

I speak to you today as one who has experienced four Olympic games. I have also traveled the world over and have worked every summer with youth and sports development programs, mostly with the underprivileged since my retirement from amateur sports competition in 1965. What I have seen and experienced in this country as an Olympian and an American is why I am here to address you here today.

One cannot measure the disappointment of the Munich games. Perhaps the Games truly represent a microcosm of society. Perhaps too they have outgrown themselves and have emerged as just another political arena to vent personal and nationalistic interests.

People quickly forget the 1968 Mexico Olympics where over 200 students were killed in a student protest before the games. They forget the police security of armed men dressed in camouflaged green stationed around the sports arena. They forget the black raised fist as an indication of what was to come in Munich. Never has the attention of the world press so focused on one event in modern times as in 1972 at Munich. Never before has a nation so outdid itself for such an event. To prove what and to consider whom? Was it the Olympic athlete?? The nations involved or the ideal of the Olympic Games?

I personally hope that the Olympic games can survive Munich. Beyond nationalism, racism, prejudice and the cold war are the memories I have had as an Olympic athlete. At Rome in 1960 before U.S. involvement in Vietnam and the emergence of the race issue Walt Bellamy, a black basketball player, picked up my 5 feet 2, 98 pound frame to his shoulders so I could see the torch bearer in the opening Olympic ceremonies. Ralph Boston, and John Thomas taught me how to dance the Twist and I learned from the Russians how to saw thank you in their language.

Because of sport I learned about the many countries of the world and their regard for culture and sport. Therefore the disappointment in Munich was as much a realization of what our troublesome world is as it was a realization of what America has not done. I speak of the Olympic athlete and sports development programs in general. One can try to put the finger on the Olympic Committee, the AAU or the NCAA but the real problem facing the American athlete is much more complex than that.

The athletes themselves have known for years those who have superior skills make it to the front and survive many Olympic games. Munich with all its world attention just happened to be the proving ground for the complaints expressed for years by the individual athlete.

It is timely and wise that this committee concern itself with the issues at hand. Munich, Denver and the reason fight over the jurisdiction of the individual athlete in the U.S.-U.S.S.R. basketball series are only three examples of the kinds of inner struggles that must be dealt with if there is to be a healthy future for sports in America.

All these incidents have hurt America and have proven to be a great propaganda value to the nations of the world. In all these struggles no where has there been concern with the individual athlete and his rights. Who can tell a college basketball player when or where he can play a game? Does the AAU or the NCAA have jurisdiction over him? Who has the right to sell his talents to television interests? Who should determine if he is a professional or not? These are but a few considerations for the individual athlete but there are many more.

We have no idea if the Olympic Games will survive after Canada in 1976. Somehow we must resolve the Olympic issues on the one hand and all aspects of international sports competition. I believe that the attention and pressure brought to bear on existing sports organizations by the Senate is vital to the achievement of change. I am here today to express the need for change. Regardless of what direction amateur sports may take, there is an obvious need for a national sports development program. I ask the Committee to consider all issues at hand and to try to achieve a comprehensive program which will have meaning for everybody in sports. Thank you.

Senator TUNNEY. Thank you very much, Donna.
Our next witness is Tom McMillan.

STATEMENT OF TOM McMILLAN

Mr. McMILLAN. Thank you, Mr. Chairman.

Senator Tunney, distinguished Senators, my name is Tom McMillan. I probably can relate to you an example of both the best and worst of what exists in today's collegiate and amateur sports activities.

I am at the present time a junior at the University of Maryland. Three years ago I was fortunate enough to be one of the most sought after high school basketball players in the United States. I was exposed to commercial recruiting as much as anyone. I am a basketball player. The story of my recruiting was told in Sports Illustrated as well as other national publications.

I was also fortunate enough to be prepared for this all by enlightened parents and a brother who had gone through a similar recruiting experience.

During my high school years I had countless opportunities to attend camps and instructive sessions to better my skills.

I have represented my country at national and international tournaments throughout the world. If I wanted to go this summer, I could go to China, tour the Far East, travel to Europe, or I could compete for the upcoming University World Games in Moscow in August.

I relate these experiences to show the abundance of opportunity that I have been so fortunate to have.

I was a member of the U.S. basketball team during the Olympic games last summer. In previous summers I had participated in Olympic development camps which enabled me to travel to Finland, Poland, and Russia in preparation for last summer's Olympic games, and those tours were quite helpful indeed.

I can tell you firsthand what it is like to play on a team in the Olympics that had less than 1 month to play and practice together. Ours was a young team that averaged 20.6 years of age competing against the strongest team the Soviet Union could bring to the Olympic games, several members of which had participated in three previous Olympics. Their youngest player, compared to our average, was about 21 years old.

As a member of the President's Council on Physical Fitness and Sports, I have had another view of sports and fitness in America, from a governmental aspect. I can testify to sports justice and injustice. I can make comments about the NCAA and AAU. I can testify to the lack of representation on major governing boards by athletes whom seldom control their own destiny.

I can testify about the quagmire of rules and regulations which plague the athletes. Too often the athletes are the victims of inequitable restrictions.

I think unless this trend is reversed, we will see sports decisions made in conference rooms and not on playing fields.

Three examples I think are very poignant at this point: (1) Of course, the Olympic basketball game last summer. (2) The recent squabbling over Bill Walton and other players to play in the Russian rematch this past spring. (3) And such examples as the loss of Rick DeMont's Olympic medal—to cite just a few.

I think if you happen to be 6' 10", it's pretty easy for sports to find you. If you happen to run faster than anybody else, sooner or later someone will find you. The same thing for stars in the entire sports world. Superstars somehow get discovered.

I have had all the privileges come my way. What I would like to see happen is for every American to be given the opportunity to participate in every sport to the utmost of his or her ability, not just on natural ability but to their coached and trained ability for all the years of their life.

That is why I believe in the Gravel-Thurmond bill.

In most countries of the world, they have come to realize that there is a direct correlation between physical well being, mental and moral well being, and the country's national approach to recognizing how physical activity can influence the former.

Any student of totalitarian governments knows that one of the first moves made by the government is an opening and exposing to all of their peoples of a formalized athletic program. They do this because of the sense of pride that it instills as well as a sense of total well being that it brings towards the populace.

I really sincerely believe it's not too late for this country to inaugurate the kinds of programs that we see operating in many countries of the world. I think we may be too passive and self-satisfied by watching rather than participating. We must begin to work with and to guide our people into physical culture and activity and participation.

A national sports foundation would work whether the people are located in retirement communities, on city streets, or on country playing fields. Americans can experience a new sense of well being by playing the game to the best of their ability.

Whether it be bowling, basketball, shuffleboard or shotput, ping-pong, or in a swimming pool, the American people can benefit immeasurably from the individual growth of all its citizens in physical well being, and I think it's so important that the opportunities be open.

I am not concerned about how the national sports development foundation will help the Olympic athlete but how it will help to further the American ideal and allow every American, regardless of where he may come from or who he is born from, to learn to play his game as well as he can.

I thank you for this opportunity, and I welcome any questions.

Senator TUNNEY. Thank you very much.

Senator Cook and I serve on the Judiciary Committee as well as the Commerce Committee, and today there is an executive session

to consider the confirmation of Eliot Richardson, and we may have to leave to vote. I hope that the witnesses will understand that it is not because we are not extremely interested in what you have to say. The problem is that we have this other obligation.

But we do have a few moments, and I first of all would like to thank each one of you for having testified. I think that you have given us a pretty good understanding and feel for the frustration that the amateur athlete has when he is dealing with the so-called superstructure of amateur athletes in this country, be it NCAA, the AAU, or the American Olympic Committee.

I would like to just ask those of you who are Olympians exactly what the attitude of the athletes is towards competing in the Olympic games now as a result of the superstructure that exists and as a result of the training program that is provided.

And perhaps we could differentiate, if differentiation is in order, between what their attitude is toward competing in the games and their attitude toward those people who control their lives and enable them to get into the games or prevent them, as the case may be, from getting into the games.

Does anyone care to speak to that?

MS. DE VARONA. I participated in 1960 and 1964 Olympics. In 1968, and 1972, I worked for television. And I felt the distinct feeling from the athletes that, of course, they want to compete. There is nothing like that time when you are meeting people from all over the world. The question here is: Have the Olympics, which I stated, outgrown themselves?

Never in the history of any event that I can remember has one event been so publicized. There was such a focus on those games in this country. We had prime-time television. And it was such all over the world.

And I felt that the athletes because of this particular diversion towards the media—they felt the Olympics had been kind of taken away from them.

I remember in many cases one of the purposes of the games is so the athletes can go from arena to arena. In many cases the press took up the best seats and they were not allowed to view their own peers in different competition. They felt it had gotten too cumbersome and too big. But the world is getting bigger and more cumbersome.

So I feel that they also—there was a great feeling that the nationalism—that let's not play the national anthems, let's come here as Olympians, as athletes, let's really evaluate this direction.

I don't think we probably would have had many protests if most athletes felt they were representing themselves as Olympians and people of the world to come in a meeting place.

So I think that they feel that they have lost them. They have been reaching out toward them. On the one hand they would like to see the Olympics continue, but they feel really—in 1968, we saw the sense of problems in Mexico City and that maybe the games are outgrowing themselves and we have to reevaluate that direction.

Hal, I think you should—

MR. CONNOLLY. That is a very comprehensive question. It goes over into the realm of athletic philosophy. And I could focus it in

a little bit more on specific problems by saying that you change as you go through Olympic games and you learn. And you learn about things that should be altered and improved.

But it is very, very big—the games. And to exemplify a change in attitude, when I competed the first time and won the gold medal and went to the victory stand, I was so ecstatically happy I really didn't know where I was exactly, and I was staring off into space in the wrong direction.

And when the flags started up the three flagpoles, the American flag in the center, the Russian flag on either side on the lower flagpoles, I wasn't facing in the right direction, and a Russian had to reach up and turn me toward the American flag.

And then when the National Anthem was played, it was an enormous experience, because it seemed to me at that moment that it was playing just for me and no one else in the world.

So I was completely enraptured by that experience. And I will never forget it.

But as I have grown in experience and maturity and seen the failures and the shortcomings of the present Olympic games, how large it has grown and how it is being used for nationalistic ambitions, I have come completely 360 degrees around to believe now that the national flags should be eliminated and there should be an Olympic flag, an Olympic anthem.

And I believe now that I would feel the same joy of experience if I was standing on that victory stand hearing an Olympic hymn and seeing Olympic flags go up, because I think that approach would have a greater good.

But there's one more brief statement I would like to make. You find as you go through your Olympic experience, as you look more, that American athletes are at a disadvantage. Many of them are at a disadvantage. It depends on your particular sport, but I think overall we are.

To a great extent it's financial, and that's where things have to be examined too. But it's administrative too.

Let me say that I was told by an Italian rower that 2 years before the Olympic games all the athletes who were the highest contenders for Olympic positions were given \$100 a month to supplement their financial needs in training, and as it came to 1 year before the Olympic games this allocation was increased to \$200 a month.

That's an extreme maybe, but I'm sure that the subsidy is even greater in other competitors of ours from other nations. And I think that is in stark contrast to the fact that American athletes have to complain about receiving an extra dollar or two when they are already on the Olympic team.

And another thing about facilities. In my event, facilities are hardly available because it takes a good deal of—

Senator Cook. Mr. Connally, I don't really mean to interrupt you. We do have to go downstairs. I would hope seriously—because I have a lot of questions I would like to ask you—that you all will stay until we get back here. Senator Pearson says he will do that.

I apologize for both of us having to leave, but I hope we can make that as short a stay downstairs as possible.

Senator TUNNEY. Thank you very much, Senator Cook. I agree. I would hope that you could stay.

I know that Senator Pearson and Senator Beall have questions for you. And we will be back as soon as we possibly can. It may be very quickly, and it may be a few minutes.

But, at any rate, we will be back.

So I turn the chair over to Senator Pearson.

Mr. CONNOLLY. I would just finish that remark.

Senator PEARSON [presiding]. Go right ahead.

Mr. CONNOLLY. The Hungarians who broke the world record in my event was invited to the United States the next year, and I naturally invited him to stay with me in my home. And when he saw the conditions under which I had to train, climbing over fences and paying my own expenses into gymnasiums to be able to exercise properly, and even my living conditions, he couldn't believe it. He was astounded that it was such, because he was laboring under the misconception that American Olympians lived similar privileged lives as he does.

And when I was getting up every morning to go to work and he was in bed, he was embarrassed.

When I came to the 1960 Olympic games, he practically took me under his wing and he arranged so that I would receive a massage every day from the Hungarian masseur, and any of my needs would be taken care of by the Hungarian Olympic delegation.

Thank you.

Senator PEARSON. Mr. Davenport.

Mr. DAVENPORT. I would like to add a little bit more to Mr. Connolly's statement.

In 1964, my first Olympic games, everything was just a big fad to me. I didn't know what was going on. Everything was new and every experience was a new experience.

But in 1968 I began to open my eyes. And I was 4 years older. I understood more things. And I said to myself, you know, "Look, something is going on wrong, you know. Exactly what it is I don't know."

In 1972 I made another Olympic team. This is a time here again I am 4 years older, and you begin to look at the situation as a whole. I put myself in two positions. I put myself in the athlete position. Then I put myself in the administrative position.

And I asked myself then, you know: What can be done to rectify these problems?

Then you say: Are there any problems?

There have to be some problems simply because everybody is dissatisfied.

Mr. Thurmond asked the question about what are the attitudes toward athletes competing in future Olympic games? I can only speak for the black people, because I am very close to these kind of people, and my personal feeling is that it can go one way or the other.

I would love to compete in the 1976 Olympic games, but I think at this point I would be a spectator more than a competitor, simply because I'm 4 years older. I don't know if I can make the team again.

But in the event that I do, will I compete to my utmost ability? In 1972 I felt as though that I had the material to at least place. I got fourth. But that killer instinct wasn't there like it has been in the past.

So to answer the question specifically, I don't think many athletes are really, really looking forward for the 1976 Olympic games.

I remember in Munich a lot of people were saying, you know, this could be the beginning of the end of the Olympic games. And by my traveling throughout the country, I have talked to many different people about competing in the Olympic games. You know, you see different athletes and say, "Are you going to try for the 1976 Olympic games?"

"There's no way." This is their comment.

MR. McMILLAN. I would just like to make one or two brief comments about my participation in the Olympics. My Olympic experience was probably the most memorable experience of my lifetime. I am the less experienced Olympic member of this panel, although my anticipations of the Olympics, I am sure, were very similar to theirs when they were first approaching their first games. I was enraptured by the whole situation. It was always a life-long ambition of mine.

And as I approached the games I was looking forward to them with great zeal. However, certain things tainted my zeal as I approached the games.

Many times there were many criticisms over the selection committee that participated in the selection of the basketball team. I'm sure this occurred in other committees in other sports as well.

Then, when I did join the team in Hawaii this past summer, I was astounded by the original quarters that the team was staying in. Six guys were staying in one room. Before I went to bed, because the screens had several holes in them, I had to spray myself with insecticide so that I could get up the next morning and continue with practice.

In addition, I found myself not being able to go to sleep until the rest of the—practically the rest of the whole complex had gone to sleep, which contained many, many employees and other personnel at the Pearl Harbor base.

These are just a few points that show some of the things that have plagued our Olympic program.

In fact, it became so extreme at one point that another player quit the team.

I saw those with reservations though because in all my experiences the Olympic experience is something that I will never ever forget, that I will always cherish.

I bring those up as points that should be considered in the perspective.

As I entered the games I was still approaching it with great zeal. I left them with great disappointment. I have never been involved in anything so despairing as the game that I was involved with with the Russians. I have never had a game that I felt so completely helpless and that the futility there was so extreme.

There was nothing that the players could do after the bickering and arbitration began.

And this is one of the extremes I point to the committee because it does show the frustrations of the athletes.

Senator PEARSON. Ms. Chaffee.

Ms. CHAFFEE. I'd like to say about how I am not affected by the U.S. Olympic Committee or how I should have been affected by the U.S. Olympic Committee.

As being a participant represented by the U.S. Ski Association, which is supposed to be the best organized amateur sports association in the country—I have a financial breakdown which is rather startling that I'll submit like into the Congressional record later. There is a public misconception that by giving that dollar to buy that pin from the U.S. Olympic Committee they are helping those teams and taking care of the development of athletes for the 4 years in between games. In reality it's 2 or 3 weeks out of 4 years plus the Pan American games.

The development money given to the various sports associations is ridiculous. It's around \$10,000 a year for each association.

Now, \$10,000 compared to \$50,000, for instance, that it takes to develop a top ranking skater for the 4 years training for the Olympics shows how much we're not getting this development money.

And I feel that it's the U.S. Olympic Committee's responsibility to encourage—foundations, either private or through this half-government, half-private situation of the national sports development foundation—that they should as part of their responsibility to the athletes of this country encourage this to be done between those 4 years of the Olympics since their jurisdiction is only after those athletes have been selected.

Also I feel that the U.S. Olympic Committee could have taken much better care in solving this international problem of amateurism. We have made a big step of making recommendations to resolve this hypocrisy that has eliminated the lower working classes from sports. But they have a further responsibility. Just the United States making a stand on amateurism is not going to get those rules through the IOC. We have to work with other countries.

An inside source of the USOC whom I consulted with verified that the United States has had zero international communications with other countries.

I was just up in Canada discussing this very situation with top Canadian officials, and the first vice president of the International Olympic Committee, Willie (Daume), who put on the games in Germany. According to Canada's Dick Found I was the first representative of the United States to meet—1 hour away by plane—with the Canadian Olympic Committee.

I don't know if the U.S. may have discussed this in the past with the West Germans.

Also, in going beyond the amateurism thing, in lobbying internationally to get these rules through so that we can in turn protect and give the best opportunities for our athletes in the United States, we're talking about saving the very credibility of the Olympics. (see enclosed "WSF's position on eligibility and how to amend rule 26.)

In the past we have built on ideal of the Olympics on this amateurism thing, this Brundage-ism thing, which we now have to replace—

this is the main reason I have been donating my time for the last 2 years and cofounded the World Sports Foundation with Jack Kelly who is one of the first real crusaders for getting rid of the hypocritical amateurism. Together we started the World Sports Foundation to open international communications between athletes and enlightened officials, to seek athletic representation at every level in sports—that Hal Connolly mentioned—and to modernize the Olympic rules. But now if we get these rules amended which is a prerequisite of saving the credibility of the games, we then have to replace that ideal of amateurism.

I started this whole campaign based on my gut reaction of having gone to Olympia, Greece. We're only about 2,000 years behind the Greeks, but we are catching up now.

The Greek ideal of the Olympics is closely related to the ideals that we could accomplish through a national sports development foundation and that is making sports available to everybody, the balance of the mental and physical, and making the ideal an Olympic games where the best athletes have the opportunities to compete regardless of any kind of discrimination, and where, for instance, the heads of state, the top philosophers, artists, merchants could all come together and get their heads together at the games.

Finally in modern times, we are getting back to these ideals through ping pong and Olga Korbut—by turning on the world beyond all its political boundaries.

Last night for example, I witnessed the Chinese-American gymnastics meet—my first job as a television commentator. I frankly don't know who won the meet, and I don't think anyone cared. This should be the ideal—everybody is a winner when people get together through sports. It was a beautiful happening that has got to happen more and more—people-to-people diplomacy through sports.

These are the ideals that have got to replace this phony amateurism, and these are things that we have to promote and hope we come out of the hearings promoting.

Another thing that the U.S. Olympic Committee through an inside source said that we could improve and clarify, is this "goodie" (or free trip) orientation thing. The U.S. Olympic Committee and the sports people have volunteered and contributed a great deal of time and effort and obviously they deserve certain benefits.

But just as a political system is based on the desires of the individual, let's call it what it is, okay, the "goodies" that sports people receive by getting power are really satisfying the political pressures within their own organizations and that's what it's based on, not the phony bit about "trying to first be focusing on the athletes," then on their personal gains. It's been based on a lot of personal gains that are presently out of proportion.

In order to make corrections in a system we must find out what is really motivating that gut behind a lot of the things we are doing.

I am saying that having you Senators and staff members focusing on our problems in sports has been necessary. There has been some leadership taken up within the U.S. Olympic Committee, and I believe they are sincerely trying. It's just that they do have to deal

with a lot of older people, not having the fresh input that the athletes themselves are finally adding.

And I would say again that Hal Connolly's mentioning of 20 percent of the athletes being represented on the board might be a very good step in keeping the whole system honest and having that balance.

Mr. CONNOLLY. May I make one more point?

Senator PEARSON. Sure.

Mr. CONNOLLY. Suzy talked about focusing. We are losing focus because the whole thing can become so complex if you digress too much. You can lose sight of what I see as the focus.

To give a specific example, in track and field we had our Olympic trials in Eugene, Oreg., and many athletes came to those trials because they had qualified to be there. There is a certain standard you have to make to even be there, and it is a high standard. These are the best our country can offer. And from that best we select the acme or the very peak at least to represent us in the Olympic games.

Every day for 10 days that stadium was filled, and the U.S. Olympic Committee made a great deal of money from the sale of tickets to that affair.

The athletes have a certain network of communication. They know a great deal that's going on even in other Olympic sports. We were informed that the basketball team, the members of the basketball team that were at these trials to be selected, had had their expenses paid to the trials, and from the group that was brought there they would finally select a basketball team to represent us in Munich.

Well, the track and field athletes were up at Eugene at their own expense. And seeing all this money being made from the gate receipts and knowing that the Olympic track and field coach wanted to use some of that money to defray just the living expenses for 2 days up at the trials and the food expenses, we were very turned off and very bitter about the U.S. Olympic Committee's handling of that, feeling that they could use some of that money to pay for food so that athletes wouldn't have to eat in hamburger stands near their dormitories or sleep in vans and sleep in station wagons because they couldn't afford to be there, and knowing that their outlook is not equitable because for certain teams like the basketball team, even though it's a smaller group of athletes, they will pay their expenses.

Now, that points out to me, that kind of administrative manipulation, that there is a definite need for a regulatory body, and I think that Congress has abrogated its responsibility under Public Law 805 to closely supervise what the U.S. Olympic Committee is doing.

Where do the athletes have to go with such complaints as this? And there are many others. They have no place to go. I can only go back to USOC and their complaints and justified grievances are lost in a network of administrative gobbledygook.

And that's why I strongly feel that out of these meetings had better come some regulatory situation prior to any establishment of a national amateur sports development foundation or anything else, because if you pass by a group of respected people from the private sector sitting on some sort of regulatory commission, if you ignore that and don't establish that, you're only going to be giving

money and support to an existing superstructure in amateur sports in this country that will just perpetuate the inequities that we have all suffered under.

There is a need for regulation. And I am not calling it Government regulation. I am calling it regulation from some commission established in the private sector which is a source where athletes or any other organization can go with difficulties and they can make sure the job is being done right.

If that is not done, then I feel we can just forget all these hearings.

Senator PEARSON. I want to commend each of you for your personal achievement and then, more than that, to have it recognized here this morning that you and many like you are taking a longer and bolder view with some concern for other athletes and some concern about what direction we're going in this country in amateur athletics.

Senator Beall, interrupt any time you choose.

Senator BEALL. Thank you.

Senator PEARSON. Let me ask Mr. Connolly a question. And I might say by way of preface that we are still dealing with a very human problem. There is a saying in Washington if you can't solve a problem any other way, you throw money at it. And so the foundation if it comes forward with sort of a grant-in-aid program—you can't pass a law and solve the problem. It is the administration of that law. It will be the level of funding that really makes the difference, not whether we just pass that particular proposal.

And I think also in the proposal that I made you are still going to deal with institutions. I think perhaps from my previous study and from what you have said today we have encrusted, rigid, long-serving people with ideas that are set in cement, and that even if we come forward with a new kind of institutional structure representing as it would student athletes or athletes, I think there is still a need to have revolving personalities and revolving new approaches in the form of new people continually coming in. That would be provided for with the students and with the athletes.

And I think we ought to make sure that it is provided for in those other representations, whether they come from the charter or whether they are appointed by the President.

Let me ask you, Mr. Connolly, is it rules or is it administration or is it both?

You made a comment that really these problems go back at least 50 percent to the rules under which you have to accommodate yourself, and I am sure you will answer it is really both the administration and the rules, but how do you change the rules?

For instance, if the proposal I made, which is only a working proposal and we can change it any way anybody wants to, were adopted, if you have the different sports, sport-by-sport, selected for the group having a charter with broad representation, is that going to be recognized by the International Olympic Committee? Is legislative action of the Government, by the United States, by the Congress, signed by the President, sufficient to provide for international recognition?

Mr. CONNOLLY. My first reaction is an emotional answer, you know, and I think I will make it. The United States of America is so proud

of its position in the world, and justifiably, that is doesn't dip its flag at the Olympic games to any national leader or worldly king. And I don't think that the United States of America has to worry about what the IOC or any other international sports feels about how we are going to run our own domestic affairs.

If we decide on a measure similar to something you propose where an amateur sports commission is established and investigates the qualifications for being the governing body in this country and with a group appointed by the President of the United States and they in turn decide, yes, this body is the justifiable representative of that particular sport in this Nation and we will recognize them as such, well, we will recognize them, and they will have that granted authority to conduct the business of that sport in this country. And we don't have to go asking permission from anybody outside this Nation.

And in answer to your other thing about is it administration or is it rules, they are almost inseparable.

Senator PEARSON. Let me add a third dimension to that. Is it lack of funds that brings forth bad administration? Is it lack of funds that promulgates these rules which are a hardship under which to operate?

Mr. CONNOLLY. They are all intermeshed. But I think you can't just make any blanket attack at it. You have to take them one at a time even though they are closely aligned and associated.

That is why I am very fearful, although I strongly support the need for funding to improve the grassroots participation in this country and I know funding is needed, and I am strongly reluctant to jump in at that this juncture because just granting funds to the National Collegiate Athletic Association or the AAU or USOC or the Biathlon Association or the Wrestling or Weight Lifting organizations, just giving them money, is not going to solve the other problems of administration and rules.

And I think if any approach is going to be made by this committee they had better carefully consider different directional approaches rather than just the funding one.

And I know that in the national sports foundation bill there is no provision for regulation of the implementation of the grants they would give, but it is necessary because administration is ineffective in this country and they are establishing rules which the athletes can't live by. To observe that the administration is ineffective all you have to do is see how much athlete representation and voice is allowed for or is written into the present administration of amateur sports. It's practically nil.

And I don't think that seven representatives on an Executive Board of the U.S. Olympic Committee, seven so-called athlete representatives, is a sufficient number out of 60 people on that board.

Seven out of 60 is much too little. And those seven athletes are not all immediately aware of the problems, because some of them—and I'm not casting any aspersions on any individual—but some of them have been long retired from Olympic participation, and they just don't know what the existing problems are for everyday present athletes now.

Senator PEARSON. You mean the athletes on the Olympic Committee Board now are not active?

Mr. CONNOLLY. Some are, but some are long retired. Of the seven, four of them are long retired. And while they may have a great interest in amateur sports, they are not really right at the level of knowing what is going on.

Senator PEARSON. Not active participants?

Mr. CONNOLLY. I am not saying that of William Davenport or Frank Shorter or Mickey King because they have just come out of the last Olympic games, because they know what the problems are. But the people like Jesse Owens and Tenley Albright, with all the good intentions they have, they can't be really called athletes' representatives in my opinion.

And while your bill, for instance, the thing that makes it very attractive to me is that you are requiring of any sports governing body in this country before it would be granted a charter to carry on the activities of the representative of that sport it must demonstrate that it has 20 percent voice and vote for active athletes in its structure.

Now, no one has done that before. And when I see that come out of a Senator's office, it pleases me enormously, and I know it would please other athletes because you provide specifically for active athletes' voice and vote input into the organization of amateur sports in this country. And 20 percent is a significant number. Seven out of 60 isn't.

Senator PEARSON. That figure has no magic to it. It could be any figure that represents an active participation.

I think Senator Beall has a question.

Senator BEALL. Just on the whole question of administration, Mr. Connolly, do you feel it is necessary that we have a committee to encourage and promote each sport in this country? Is it necessary to have a separate committee for each sport?

Mr. CONNOLLY. No; each sport will have its own governing body as it does now, but there are factional disputes over who in fact should be the recognized governing body of individual sports. One group says it is. Another group says it isn't.

And I have heard from different athletes that the people who represent us really in fact are not the ones who are doing the work at the grassroots and at the broadbase level of sports in this country.

That has to be solved first, and they are not going to solve it among these governing bodies now. They continually bicker and fight and claim they are the representatives.

Senator PEARSON. Let me interrupt you to just get you to make a part of this record very clear. Mr. McMillan and others can add to this I'm sure. What kind of penalties have been imposed upon you or threaten to be imposed for your participation in open meets that represent disputes between the NCAA and the AAU? What is the range of penalties and what is the range of punitive action that you have been subjected to?

You might all address yourself to this. I want the record to show what sort of pressure athletes operate under, and I know you have been through this very recently, have you not?

Mr. McMILLAN. Yes, sir. Although I did not participate in those games or intended to, I am aware of some of the problems.

I think a number of the U.S. athletes wanted to participate—Bill Walton and others—

Senator PEARSON. Let's talk about the United States-Russian AAU-authorized basketball series in this country.

Mr. McMILLAN. I think it was fear of loss of eligibility in subsequent NCAA events which was the worry of the American athletes.

Senator PEARSON. Were there any direct threats made? Any specific—

Mr. McMILLAN. I think this is the whole point of the hearings, and—Well, the NCAA I believe came out with statements or came out with inclinations that there is a possibility that, you know, our eligibility would be jeopardized.

Senator PEARSON. How do you interpret that?

Mr. McMILLAN. I don't know. That's the point. A lot of times in dealing with NCAA I'm not sure exactly what are my boundaries or what are my confines. And I often end up in a position of not knowing or being in a nebulous situation. I don't know what I can do or what I can't do.

And I think this is what plagues a lot of athletes. In this case I think it was particularly true, and I believe the athletes were worried their eligibility would be sacrificed if they participated in the Russian rematch.

Senator BEALL. Excuse me. In this case did someone say to you, "Your eligibility will be jeopardized"? Or did you get this information from reading what somebody said?

Mr. McMILLAN. I really can't answer that, sir. It was my understanding—because I was not directly involved with the actual games; I had no intention of playing—but some of the players who wanted to play, it was my understanding that they were warned that they were not able to play.

Senator BEALL. They were warned by the NCAA?

Mr. McMILLAN. I believe. Again it's conjecture on my part. I can't answer that.

Mr. DAVENPORT. In the recent dual track meet with the Russians I'm familiar with, Rodney Milburn of Southern University, winner of the 100-meter hurdles, was unable to compete in the dual match indoor meet.

Senator PEARSON. Is he now still a student at Southern?

Mr. DAVENPORT. Yes, sir. He did not compete. Russia got first and second. The United States got third and fourth.

Senator PEARSON. Why didn't he?

Mr. DAVENPORT. Because of the NCAA ruling he would be ineligible to compete for the university if he competed in that meet.

Mr. CONNOLLY. I'd like to add on the other side of the coin that there is a separate governing body for track and field outside the AAU. The AAU is the one recognized by the International Amateur Athletic Federation, but there is another one called U.S. Track and Field Federation, and it has put on track and field meets without the approval of the AAU, and I have been told—

Senator PEARSON. And that organization is an extension of the NCAA, isn't it?

Mr. CONNOLLY. It is. To some extent I am sure it is supported by the NCAA in its efforts to erode the power of the AAU. They invite athletes to compete in their competitions, and AAU tells you directly as they have told me and others, "If you compete in one of their

competitions, you will be ineligible for any future international competition for this country.”

Mr. CONNOLLY. That means if you go ahead and compete in a meet that is not approved by the Amateur Athletic Union you may end up not being ever able to represent this Nation abroad again or even in this country when it competes against foreign nations.

Senator LONG. What are you referring to? That a person competed and was told he could not compete in the Olympics? What meet did he compete in that he couldn't compete in the Olympics?

Mr. CONNOLLY. I'm saying that it's not just one meet. It may be many meets. If you are an out-of-school athlete, as I am and others, and you compete in a competition that is not approved by the Amateur Athletic Union, they will tell you you are running the risk of never being able to compete in another Olympic games because you have violated one of their rules, and the rule specifically states that you must only compete—being an out-of-school athlete in “our meets, not in anybody else's.”

Senator PEARSON. Mr. McMillan.

Mr. McMILLAN. I think the converse applied in the case of the Russian rematch this spring. The AAU was sponsoring the games, and it required NCAA approval before we could actually play, and I think it was just the opposite of what occurred in what Hal stated.

Senator PEARSON. What you have is an open meet sanctioned by one or the other of these organizations and Congress periodically just sort of steps in and plays the role of mediator for a given event because the national interest becomes very much involved and because of the public interest that is so very, very great that—Someone made the comment that Douglas MacArthur addressed himself to this problem many years ago, and even with all the prestige that he could command it was quite impossible.

In 1965 this committee got into this issue. We had Theodore Kheel, I think one of the great negotiators and arbitrators in this country, come down, and I will never forget a comment he made. He said, “Dealing with the Teamsters is very mild compared to doing business with AAU and NCAA.”

Do you want to say something?

Ms. DE VARONA. I wanted to say I have never really had a lot of dealings with NCAA, because as a female athlete there have been very few scholarships for women in sport. But there are two incidents, and I'd like to point this out to the athlete who doesn't know where to go.

In 1964 in Tokyo before the Olympic games I happened to be on the cover of Life Magazine, and I wrote an article on how I felt about competing. In that article there was a byline. The Olympic Committee took it upon itself to assume that I had been paid for that article.

Two days before I was to compete, the Olympic Committee met to decide my future—after training 7 years whether I would be able to compete or not. I was never consulted. I was never asked if I had been given payment.

The committee met and made a decision—fortunately in my favor. But I had to go through that emotional reaction to this kind of a thing because I found out about it.

Later on in the sport of swimming, which I think is probably one of your best examples of how the NCAA and AAU work together as far as doing the best by their athletes, they do have athletic representation on the AAU and they do take from each sport for international competition and use each other's coaches. So somehow the sport of swimming has worked out most of these problems.

But most of the swimmers come from the grassroots program provided by the AAU.

There was an NCAA World Student Games in which I was not voted as a participant, but the NCAA coaches took it upon themselves to appoint me chaperone of the team. All the competitors as well as the coaches and the staff wanted me to go along. I was told to pack my bags.

I got my passport, I went down to the swimming pool, and was ready to go. And an AAU official came up to me and who was in charge of approving the athletes that went and said, "Donna, we do not approve of you as chaperone."

I said, "Why?"

He said, "You're not an official chaperone."

I said, "It's not an AAU trip. It's an NCAA trip."

He said, "You're not going."

It was the first trip ever taken without a chaperone.

So you're caught in the middle of these silly disputes. That decision I feel not only hurt myself but it hurt the team because they had been told that I was the chaperone, and, more important, they went without a chaperone. The girls didn't have anyone there that they could relate their particular problems to.

You find this all the time. You're caught up in the decision and have nowhere to go to prove your case or to answer for you.

Senator PEARSON. Let me ask Mr. Davenport a question or perhaps all of you. I think you have been in international competition, several of you many times. Mr. Connolly made reference to rules and regulations and administration in other countries abroad. What country did you observe that you thought had a very, very fine administrative setup, a good program, good participation by the athletes? Can you give us an example of the kind of administrative and structural setup in some other country that might be a model for us to look at when we try to draw legislation?

Mr. DAVENPORT. I think the first thing we have to look at is the number of gold medals the Russians got in the past Olympic games.

I have talked to some Russians back in 1965 and 1966 pertaining to their type of training facilities and how they train, and from what I can gather from their conversation these people are set aside as athletes and they are trained.

Take for example a basketball team, the team type sports. These people stay together years and years, and they work together for so many years, so, therefore, they are so much ahead of the United States.

As far as track and field is concerned, they have many grassroots organizations throughout the country, and the one that I am most familiar with and one whom I have worked with is in Germany.

As I stated before, in my testimony, my company commander saw fit where he could send me to a university to train. In Mainz, Ger-

many they had at least 40 different clubs within a small city, and these clubs trained these kids from the grassroots levels on up. But as far as the higher echelon of administration I couldn't tell you.

Senator BEALL. On that point, have any of you in any of your travels or participation abroad or contacts with athletes of other countries ever heard complaints from those athletes of too much involvement on the part of their government in management of athletics?

Mr. DAVENPORT. Once you start a conversation of this type, the biggest complaint is they're all ears. They listen to us. Because they can't believe some of the things that go on within the United States.

Senator BEALL. They can't believe our government isn't involved?

Mr. DAVENPORT. Is not involved.

Senator BEALL. But they don't complain—none of them complain—about the over-involvement of the government?

Mr. DAVENPORT. I never heard it.

Senator PEARSON. You're talking about Soviet athletes?

Senator BEALL. I'm talking about any athletes.

Mr. CONNOLLY. There is no question that there is overinvolvement of government in some countries, and I'm sure the athletes are not too happy about that, because some of them have told me there are certain things they can do and can't do, and that is why we can look to other nations for certain direction, but certainly because of the heritage we have of individual involvement in freedom we can't look to them for the blueprint for what we should do here.

But I have lived in Finland for 2 years, and I think the case is fairly true throughout Europe that they have an umbrella situation where they have a higher body at the top which is in a sense maybe a regulatory body that sees that all those different sports organizations in their country, most of whom are funded by football lotteries or government funds but in many countries football lotteries—that they carry out their function as the administrative body feels they should, and they provide for athlete voice—I know they did in Finland and they do in other countries—up to these conventions, these yearly conventions, and they send representatives.

They have such a high concern for the performance of their athletes that they do listen to their views and opinions, and because they have adequate funding they are able to provide a program all the way down to the bottom which is supervised with paid personnel.

And I think that one direction this country has to move away from, is this overemphasis on volunteer help.

I am finding from my experience that a volunteer worker doesn't produce as well as a person who is paid for the expertise that he has. And I am not knocking the fact that the volunteer workers have done a good deal in the past. But if you investigated it very carefully, we need reasonably paid professionals to carry out the program if we are going to compete with other nations.

Mr. DAVENPORT. I would like to add a little more to that. If we take a look at the total situation, look at the pole vault for an example, the Swedish guy came to the United States and he just about stayed in the United States until he broke the world record in the pole vault. He packed his pole up and went back to Sweden. [Bob Seagram.] Didn't see him any more until the Olympic games.

So what do you ask yourself as a coach or an athlete? This is a guy that comes from Sweden which was sponsored by the Government. He comes here, learns all the expertise that he can within the pole vault. He matches it and then he goes back home.

The same thing in the hurdles. Guy Troop from France or some place—I forget where he's from—but he came here and participated in the hurdles. This guy has never come close to beating any American in the hurdles. He got to the Olympic games and he came in second. Why? Because he learned all the expertise right here in America. And when we have something that we are supposed to be the greatest in, then let's keep it, especially in competition, you know.

I feel as though that I'm greatly responsible for Rodney Milburn's expertise in the hurdles, but I gave it to another American. I didn't send it to Italy, to Germany, to France or any other place. We kept it right here at home.

But those people come here, they grasp what they can and go back.

It's amazing. You can go to a little small meet any place in the country. If there's any foreign athlete there, there's cameras clicking. You can't even practice on your start. They're studying everything they can. The Americans stand around and watch and say, "Go ahead, take all you can," which I am totally against.

MR. CONNOLLY. I'd like to add one thing. Many people may not be aware of this, but it's a source of embarrassment to me.

An East German athlete pointed out to me once in their constitution they provide for the equal opportunity for all their citizens to competition in sport and equal access to facilities. And here we are trying to establish an organization of some sort or administrative capacity in this country to do the same thing. And I don't think we need to do it with strict Government regulation, but we have to establish something to give all our citizens the equal opportunity to participate in amateur sports and the access to necessary facilities.

MS. CHAFFEE. I think what they are saying here is that we have some of the great know-how to produce great champions, but we don't have the development money which sent over those journalists and athletes to study our ways. We have zero—zero development money to spread our know-how across the United States much less to study other countries.

As Hal was pointing out, though. OK, we don't want to put development money into the status quo organizations. That's the furthest thing that we really want to do. However, even if the U.S. Olympic Committee gets shaped up, even if the NCAA-AAU ends its feud through having some kind of commission, unless we bring these three situations along side by side now, we won't have an effective American sports program! The post-Munich timing is critical.

I think this is what we are all trying to aim for. And as far as the commission is concerned I can relate it to the Sports Hilfe [or Sports Help System] that the West Germans are very happy with. Their government even selects and pays coaches. Sports people know that the government wants to get the best coaches because they want the end results to be the best. Therefore, there is no kind of corruption involved.

Some Socialist countries have a great grassroots situation for the athletes. And even though some of their ends may be that of na-

tionalistic prominence, they are doing a great service for the people of their country.

However, some of those athletes on top are used for their prominence by forcing them in some cases to go on competing when they are tired and had enough.

So I am saying that I think that we are really boiling and zeroing down into three areas that really need help side by side but separate. I think if you lump the USOC and the NCAA-AAU problems and development together, you will continue to sap a lot of energies that might have gone into development within those organizations. History has proven that. Therefore, these have all got to be separate entities, but jointly working towards an effective American sports program.

Mr. McMILLAN. I don't think there is any question that our basketball in America is superior by great measures to any international or foreign teams. I think several problems have presented themselves.

Sometimes foreigners do not think that our basketball is superior. We send many, many teams overseas, and I have been involved with several of these teams, and as we travel we are often regarded as the best American team that America can foster and send overseas, and sometimes we might be composed of a group of 18-year-olds who are playing against a group of Russians who are 26, 27 years old, obviously to a competitive disadvantage.

Senator LONG [presiding.] How old is your group? How old are your players?

Mr. McMILLAN. Excuse me?

Senator LONG. How old did you say your players were compared to theirs?

Mr. McMILLAN. On one tour the oldest were between 18 and 20 years old—2 years ago.

I think this is a problem. It is accentuated during the Olympic year. In 1968 we almost lost the gold medal that year. In 1972 we had a real uphill challenge. We were going to prepare this summer, the actual summer of the games, while the Russians had prepared for 4 years. They had put on a concerted effort before the Olympic games.

We had certainly had great development camps during the summer, and so forth, but as far as concerted team, concerted effort to prepare a unified basketball effort, we lacked that.

And if this effort continues, I can foresee in 1976 America's domination in basketball being lost.

And I am afraid that this preparing pseudosuperiority or sending over teams that really don't represent the best is one of our problems.

Ms. DE VARONA. In 1960 at the Olympics, America emerged as the No. 1 nation in swimming, and we have held our own. In 1964 I made a prediction that we wouldn't win as many gold medals. Obviously Mark Spitz took his own toll. I don't know how many we would have won without Mark.

But beyond that point I remember in the 1960 Olympics when the Russians came and watched up with cameras and they took yards and yards of film on us. They came and visited the [Santa Clara]

swim club, and I must admit that is probably responsible for the pilot program that exists in America today as far as our dominance in swimming. But with that came our expertise.

The Australian Government paid for our officials or got a sponsor to pay for our officials to go to Australia and New Zealand.

The East Germans have never done well in swimming. They challenged two of our top relay teams in two events in Munich because they copied our ideas.

We send our expertises out to other countries, but what we should do is send our expertise out in this country, take the idea to a small community and expose that knowledge.

When you get into the concept of finance, it's not so much finance as it is taking the expertise and giving it back to organizations and programs that exist in America that don't have the know-how.

American swimming has increased and held its own because the NCAA and AAU coaches have world clinics every year, and if they have a good swimmer, if they did something new with new training methods, they give out that knowledge. I don't think I have ever seen that in track and field. It's a much more conflict situation there.

What I'm saying is I'm all for good will but I would much rather see these good will teams travel throughout this country than sending them abroad.

Senator LONG. Let me just ask one question in a particular field. Do any of you know coaches that have a way of winning playing by the same rules as the other guy, that the other people play by?

Mr. DAVENPORT. Your question was?

Senator LONG. It just seems to me that there are some coaches, both professional athletic as well as amateur coaches of sports, who just have a way of winning. Who can take the same rulebook, put a winning team on the field, compared to some other coaches.

Do any of you know coaches of that sort?

Mr. DAVENPORT. I do. I know many of them.

Senator LONG. Do you, Mr. McMillan? Do you know of some?

Mr. McMILLAN. I think that is definitely true. I think that is the importance of any legislation that is enacted, that hopefully, you know, they can identify facilities, coaches, and everything, because this is all part of expansion of our sports programs.

Senator LONG. It has just been my impression, for example, that coming from Louisiana, if I was going to count on one of our football teams beating the University of Alabama, it had better be a year Bear Bryant got sick or a year he's rebuilding, because he puts a well-coached football team out there on the field, and I think the record speaks for itself. He's very good.

A very good coach can take the same rulebook and play by the same rulebook as the other fellow and put a team out there that had a chance to win.

It seems to me what we need is someone who knows how to take the same amount of material the other fellow has and give us a fair chance to win, and if we can find someone who knows how to take the same relative amount of talent that somebody else takes and put a good team on the field and have a fair chance to win, having picked the right people we ought to back them and give them what they need.

Mr. DAVENPORT. Mr. Long, you are talking about a football team compared to a track team, basketball team and these type of things. I can take a football team or train them if I can get people on the college level. On the college level a person is able to select his people. Now, in high school there are many different football squads throughout the country, so therefore the coach can pick his team. Are you speaking on the national level or the grassroots level?

I think where the basic things are, or the basic things for that individual to learn something, is on the grassroots level. You can take any coach, any sandlot team coach, on any block of any street, and there are a lot of gold medals right there. There are a lot of gold medals in New York City right there on the block.

Have you seen these kids put coat hangers and use them for basketball hoops?

I mean these are the type of people that we have to get to to make that type, to make Bear Bryant a good coach. We have to get out there and get them.

Mr. CONNOLLY. Senator Long, I think you are saying you find the man who can do the job and let him do the job.

Senator LONG. That's about the size of it.

Mr. CONNOLLY. That doesn't happen all the time. In fact, all too frequently with the present administrative structure we have in the Olympic games.

I wish at this very moment the head Olympic coach for the Munich track and field team were here because I know that he would tell you—and I believe he is a man who can do the job—that he had too many restrictions on him.

Senator LONG. Well, somebody demonstrated right here in Washington how you can put a winning team to the field. We hadn't had one. They went and got George Allen.

Mr. CONNOLLY. I'm sure the owners of that club said, "Mr. Allen, do the job."

But we need that kind of philosophy on the U.S. Olympic Committee, and we don't have it.

I was on four Olympic teams, and we never once had a field event coach for throwing events. Don't tell me the money wasn't there. The administrative expertise wasn't perceptive enough to realize throwers need a coach of throwers.

In 1956 the man who was assigned to me to coach was a walking coach, and I'm a hammer-thrower. And that philosophy has persisted right up to 1972. There still was not a throwing coach on that team.

And we go to a country where we see the East German, Russian, and the other nations. They have a coach for every event.

So when you say find the man and give him the opportunity to do the job, that's what I would like to see done too.

Senator LONG. I don't know how many coaches who have worked in it. I know of one coach who put a winning team out there in boxing one year, and he had quite a bit of fault to find with the way that we do business at the Olympics.

He pointed out several things that just are obvious on the face of it, things that are wrong about the way we are doing business.

One thing he pointed out was that you take a team somewhere and it may be that you have two men you could put in an event, let's say boxing. It's a man-for-man event. All right. If you have two men you can put in there, if one man has not stayed in training, if he's not in shape to go out there and go in the ring, you have got another man there who has stayed in training and is in shape. Even though one man had a better prior record, he's not in shape to go in the ring. You're not going to win with that man. You'd better use the other one.

That's just one simple point—that you ought to use whoever appears to be the best person for that event on that date.

But he pointed out to me a number of other things he felt. I wonder if you would feel what we need to do is start at the national level by having the President name something that is competent to head this thing.

I think if I were naming the committee I'd try to pick somebody who has winning ways about him and who tries to do business by the rulebook but who seems to win doing business that way. And I'd put a few people on there I could rely on to vote with him.

Do you have any comment?

MR. DAVENPORT. Senator Long, I think we're looking at this thing in two different aspects. You take a coach. I don't care if he's the coach of the Miami Dolphins. He went all the way and won that thing. If he had had that team for 3 weeks he wouldn't have made that team in 3 weeks.

This is the problem with USOC.

I agree with what you say. I think we should have a coach there, but not for 3 weeks.

Senator LONG. Furthermore, I am concerned about the fact that we try to finance a team. Here this is the greatest Nation on the face of the earth and we leave it up to finance the team by asking somebody to put up a voluntary contribution and make it tax deductible. I'm chairman of the Finance Committee where we talk about whether we are going to make it deductible.

Now, if it's worth doing, it's worth providing the funds for it without leaving it to chance, to put up whatever it takes to do whatever you think you ought to do.

And it seems to me we would do just as well to fund it and provide whatever amount of money we think we need to do everything we think needs to be done.

I don't see why we have to rely upon somebody making a voluntary contribution. If we think we're going to go at all, that we have to have the funds it takes to pay the expense, we ought to just provide it rather than leave that to chance.

I would hate to think we face financing the Olympics the way the political campaigns are being financed. We're having a hearing about that right now.

But it would seem to me if it's worth doing we should provide the funds for it. Then we designate who we want to do it, and let the President appoint who he wants or a group, but appoint somebody to head this thing up and have them confirmed by the Senate the way we do other national efforts, and hopefully give you somebody

that you people can look up to and then do some of the things you are suggesting.

You say the time ought to be more than 3 weeks before you go over to try to compete.

Thank you very much. If you would like to add some written suggestions to what you have testified here today or some additional thoughts, I'd invite you to communicate that to the committee.

We will make that available to the Senate.

We will have to get on to the other witnesses. We very much appreciate each one of you being here today to give us the benefit of your suggestions.

Next we will call Mr. Phillip O. Krumm, President of the U.S. Olympic Committee.

STATEMENT OF PHILIP O. KRUMM, PRESIDENT, U.S. OLYMPIC COMMITTEE

Mr. KRUMM. Senator Long, gentlemen, as stated, my name is Philip O. Krumm. I have been president of the U.S. Olympic Committee since February 8, 1973.

I am not here to reminisce about past Olympic experiences or what happened even in the Munich games, but to outline our present structure of the U.S.O.C., United States Olympic Committee, and to tell you what we are doing and have done to improve and enhance our operation.

On behalf of the U.S. Olympic Committee, I welcome this opportunity to appear before the Senate Commerce Committee in order to outline for you the structure of the U.S. Olympic Committee and how it functions.

I believe that most of the recent criticism of the committee is based on a lack of knowledge or understanding of the duties and responsibilities of the Olympic Committee and the rules and regulations it must adhere to in order to maintain its membership in the International Olympic Committee whose headquarters are in Lausanne, Switzerland.

What is the U.S. Olympic Committee?

From 1921 to 1950 it was an unincorporated association. Since 1950, the committee has been a corporation chartered by Congress under Public Law 805. The committee's membership is made up of representatives of 212 sport or sport-oriented organizations.

In February of this year, the committee elected a board of directors composed of 53 representatives of those organizations and seven recent Olympic team members, six of whom were Olympic gold medal winners. The board by majority vote determines all policy matters implementing the committee duties and responsibilities which I will discuss a little later.

Represented on the board are the 27 national sports governing bodies which are affiliated with the International Sports Federations which govern the sports in the Olympic games, the Eastern College Athletic Conference, the National Association of Intercollegiate Athletics, the Junior College Athletic Association, the National Federation of State High School Athletic Associations, a representa-

tive from each of the four departments of the armed services, and, as I previously stated, seven former members of Olympic teams.

I has been asserted by some that the Amateur Athletic Union controls the U.S. Olympic Committee. This is not true, for on the board of directors where, as I have stated, Olympic policy is determined, the AAU has only 10 of 60 votes.

The Olympic Committee has no part in the day-to-day operations of the 27-member sports governing bodies that are affiliated with the International Sports Federations, and it has no part in the sports programs of the high schools or colleges or of the armed services.

The committee's duties and responsibilities:

The committee has the responsibility to select, train, feed, house, the members of the Olympic teams and to supply them with competitive travel and parade apparel, to supply medical and dental care to these athletes, and to transport them from their homes to the site of the games and return. These responsibilities are carried out by various standing and special committees, the membership of which must be approved by the board of directors.

In order to meet the financial requirements to enable it to fulfill its responsibilities, the Olympic Committee conducts a national fund-raising drive during the 4-year period between the Olympic games. The American public and American industry have been most responsive to these appeals.

The committee has been able, therefore, to carry out its duties without any financial aid from the Government. We are unique among the national olympic committees throughout the world in this regard.

Membership on the Olympic team is open to every U.S. citizen who is an amateur and who is proficient in his or her sport. The rules and regulations for competition for a place on the team are widely published and strictly adhered to.

Places on the Olympic team in individual events are won through elimination competition. For example, in track and field, and swimming and diving, the first three athletes in each final event are selected for the team, provided that each at least equals the minimum performance standard for that event.

Membership on an Olympic team sport such as basketball, water polo, team handball, soccer football and the like is obtained through a try-out program conducted by the Olympic Sport Committee in the particular team sport.

Athletes are not required to be certified by any sports organization in the United States to be eligible to compete for a place on the Olympic team.

The U.S. Olympic Committee has a sport committee for each sport on the Olympic games program. It is the responsibility of these committees, subject to the approval of the Olympic Committee Board of Directors, to select the site for the trials for the places on the Olympic team, to prepare and publish the rules and regulations for the trials and to conduct clinics and plan and carry out development programs for each sport.

Each sport committee member is nominated by the national sports governing body of a particular sport and the nominees must be

approved by the board of directors of the U.S. Olympic Committee before they can serve.

The members of each sport committee come from various member organizations. For example, of the 45 members of the current Track and Field Sport Committee, 24 come from schools and colleges and 21 from the national governing body.

These sport committees also submit to the Olympic Committee Board of Directors for consideration and approval the names of persons whom they recommend to serve as coaches and managers for each of the United States teams competing in the Olympic Games.

The complete duties of the sport committees and of other committees such as apparel and equipment, food and housing, transportation, medical and training services, and the like are set forth in our constitution, bylaws and general rules of the Olympic Committee.

We have a number of these documents that I would like to leave with anyone that desires them.

The U.S. Olympic Committee is subject to the rules and regulations of the International Olympic Committee:

I believe, gentlemen, the following is very, very important: It is of the utmost importance that I invite your attention to the fact that the U.S. Olympic Committee, like the 133 other organizations recognized by the International Olympic Committee, is subject to its rules and regulations. I would like to read in part two of the more significant rules.

First, Section 24 reads in part as follows:

Only National Olympic Committees recognized and approved by the International Olympic Committee can enter competitors in the Olympic Games and the qualifying rounds. Therefore, in order that contestants from a country or geographical area can participate in the Games, a National Olympic Committee must be composed of at least five National Federations.

This is put in the rule because there could be some countries that are but in one sport and thus they are ineligible as members.

These Federations in turn must be active members of the International Federations governing their sport on the Olympic program. The National Olympic Committees must also conduct their activities in accordance with the Olympic Rules and Regulations . . . in order to be recognized by the International Olympic Committee.

They must include in their membership: . . .

(b) representatives of the National Federations, which are members of International Federations whose sport is included in the Olympic program. These Federation representatives shall be of their own choice and must constitute a voting majority of the National Olympic Committee.

A National Olympic Committee must not recognize more than one National Federation in each sport and that Federation must be affiliated to the International Federation recognized by the International Olympic Committee.

In the event of any regulations or actions of the National Olympic Committee conflicting with International Olympic Committee Rules, or of any political interference in its operations, the International Olympic Committee member in that country must report on the situation to his President for appropriate action . . .

End of quote of rule 24.

I will read a short part of section 25 which reads as follows:

The National Olympic Committees must be completely independent and autonomous and must resist all political, religious or commercial pressures . . .

National Olympic Committees that do not conform to the rules and regu-

lations of the International Olympic Committee forfeit their recognition and consequently their right to send participants to the Olympic Games.

All U.S. competitors entered in the Olympic games must be certified by the national governing body of which the competitor is a member and by the U.S. Olympic Committee as having qualified to compete as an amateur under the rules and regulations of the International Olympic Committee.

In the interest of further clarifying the organization and functions of the U.S. Olympic Committee, I have appended to this report a recent letter which I disseminated to each member of the legislative branch of our Government and which I request at this time become an integral part of my testimony in the Congressional Record.

Senator PEARSON [presiding]. It will be made part of the record. [The document follows:]

U.S. OLYMPIC COMMITTEE,
New York, N.Y., May 4, 1973.

During recent months the news media has given much attention to the interests of the legislative branch of our Government in amateur sports organizations in the United States. Several of the items I have read would lead me to believe that there is much confusion and misunderstanding relative to the functions and responsibilities of the United States Olympic Committee.

Accordingly, for your information and assistance, the following paragraphs represent the area of responsibility of the USOC and its official activities.

The United States Olympic Committee (USOC) is recognized by the International Olympic Committee (IOC) as the National Olympic Committee (NOC) for the United States of America. As such, the USOC is basically limited to carrying out the responsibilities of NOC as franchised by the IOC and is subject to the various rules and regulations of the IOC.

The major effort of the USOC is dedicated to arranging for the participation of our nation's athletes in the Olympic and Pan American Games, each of which are held once every four years.

Contrary to popular belief, the USOC does not exercise authority or control over the day-to-day management of the various amateur sports programs throughout the nation, nor does it get involved in determining the policies or planning of such programs. Those functions are conducted by organizations such as educational institutions, sports governing bodies, the Boy Scouts, church groups, the Armed Forces, etc.

Not only is the USOC the sole recognized USA organization for entering athletes in Olympic and Pan American competitions but it also must motivate the public to contribute the necessary funds to finance developing, selecting, training, transporting, housing and feeding, clothing, equipping and administering the large U.S. delegations which quadrennially take part in the world's greatest international amateur sports festivals. There is no federal funding assistance, nor has it ever been sought by the USOC. It is the only major NOC which can claim this distinction.

The United States Olympic Committee's status as a National Olympic Committee, as recognized by the International Olympic Committee, dates back to 1894, just prior to the Games of the I Olympiad, first in the modern series as projected by Baron Pierre de Coubertin.

Then, as now, to qualify as a NOC, the applicant for IOC approval had to demonstrate that the membership of its organization included the national affiliates of international federations governing the sports on the Olympic and Pan American programs in which the NOC would be entering athletes. Further, the USOC's own constitution, then, as now, guaranteed that these national affiliates of international sport federations would have the majority votes in its deliberations. This is a requirement of the IOC which is set forth in its Rule 24 (a copy of which is attached at exhibit #1).

Currently, the USOC lists 212 organizations as members. We believe this constitutes the broadest and most democratic representation that has been achieved by any NOC. Our membership, however, can be broadened further

with the reentry of major colleges to our fold. We are most interested in having them rejoin and have requested that they meet with us to discuss how this can be accomplished.

Of the entire USOC membership, the "A" group holds the voting majority since within it there are the representatives of 27 international sport federations as required by the IOC rule #24. The Amateur Athletic Union is a member of this group and holds affiliation with nine international federations: namely, athletics (track and field), basketball, bobsled, boxing, judo, luge, swimming (including diving and water polo), weightlifting and wrestling. Also in Group A are 18 other affiliates of international sports federations. They are the Amateur Bicycle League of America (ABLA); Amateur Fencers League of America (AFLA); Amateur Hockey Association of the United States (AHAUS); American Canoe Association (ACA); Field Hockey Association of America (FHAA); Modern Pentathlon and Biathlon Association (USMPBA); National Archery Association (NAA); National Association of Amateur Oarsmen (NAAO); National Rifle Association (rifle, pistol, skeet, clay pigeon (NRA); North American Yacht Racing Union (NAYRU); United States Figure Skating Association (USFSA); United States Gymnastic Federation (USGF); United States International Skating Association (speed skating) (USISA); United States Ski Association (USSA); United States Soccer Football Association (USSEA); United States Team Handball Federation (USTHF); and United States Volleyball Association (USVBA). A graphic portrayal is attached as exhibit #2.

All of the above appoint representatives to the USOC Board of Directors which, in reality, is the working arm of the USOC. Other appointments to the Board come from member organizations in Group B such as the National Association of Intercollegiate Athletics (NAIA); National Federation of State High School Athletic Associations (NFSHAA); National Junior College Athletic Association (NJCAA); the four branches of the Armed Forces, and others, including seven members-at-large from the ranks of athletes of recent U.S. Olympic teams.

The Board, which numbers 60 in all, sets the policies for the quadrennial period and delegates authority to a number of standing committees for the discharge of specific duties such as finance, Olympic development projects, legislation, membership and the like.

A most important assignment goes to the Games Preparation Committee which must plan, organize, and operate the participation in the Olympic and Pan American Games. Division of this Committee are in apparel, supplies, and equipment; food and housing; ticket sales and purchases; transportation; medical and training services.

The Games Preparation Committee works closely with 39 sport committees, ranging from athletics (track and field) to yachting. Eleven of these provide Olympic opportunity to both men and women; six others are specifically for women only. These sport committees, made up from appointments (the majority of which come from the national sport governing body involved, with the remainder by other national organizations), have the responsibility of determining the methods by which athletes are selected for the various Games and by whom these athletes will be supervised, such as managers, coaches, team leaders, etc. Once the selection methods are approved by the Games Preparation Committee and subsequently the Board, the sport committees move to the actual determination of team or squad personnel, arrange that the athletes are certified by the respective national sports governing body for final entry by the USOC. These sport committees also devise and effect development projects designed to upgrade the Olympic talent potential within their sport.

Except for the Olympic House staff, all those involved as officers, Board members, sport committeemen, coaches, managers, trainers, etc., serve without pay, even at the site of the Games as members of the official delegation, albeit that these expenses are carried by the USOC. Sport committeemen also pay their own expenses to the meetings of their respective groups.

Olympic House involvement with the activities of the USOC, the sports committees, and, in recent Olympiads, with the physical management of pre-

Game assembly centers and team headquarters at Games sites, has quadrupled in the last decade. The important task of fund-raising has become an intensive as well as extensive operation, with budgets soaring as each sport requires more financial aid, time, and supervision to produce a representative team at the Games.

Yet, in the final analysis, those selected by the respective sport committees to head up the sports unit as team leader, coach, or manager, must accept the responsibility of supervision, guidance, and preparation of the athletes chosen to represent the United States so that team morale remains high and the individual athlete, assured that the daily routines are adequately handled, can devote his time and energy to the fulfillment of his personal aims—that of doing his best in the sport of his choice.

To that end, the officers and Board of Directors are pledged to improve team conditions and team leadership to the highest level possible.

The USOC was incorporated in September, 1950, under an Act of Congress (Public Law 805) but provisions of this law pertain mainly to the operation of the USOC as a tax exempt organization in the pursuit of the highest goals of amateur sport. However, only the International Olympic Committee can grant the authority to serve as a National Olympic Committee.

I trust the information in the preceding paragraphs will provide you with a clear understanding of the activities of the USOC.

Sincerely,

PHILIP O. KRUMM, *President.*

Attachments.

EXHIBIT No. 1

NATIONAL OLYMPIC COMMITTEES—RULE 24

Only National Olympic Committees recognized and approved by the International Olympic Committee can enter competitors in the Olympic Games and the qualifying rounds. Therefore, in order that contestants from a country or geographical area can participate in the Olympic Games, a National Olympic Committee must be composed of at least five National Federations. These Federations in turn must be active members of the International Federations governing their sport on the Olympic program. The National Olympic Committees must also conduct their activities in accordance with the Olympic Rules and Regulations and the high ideals of the Olympic Movement in order to be recognized by the International Olympic Committee.

National Olympic Committees have as their purpose, the development and protection of the Olympic Movement and of amateur sport. They shall cooperate with the national amateur sport governing bodies (National Federations) affiliated to the International Federations recognized by the International Olympic Committee, in guarding and enforcing the eligibility rules. They have the exclusive right to use the Olympic flag and Olympic emblem, and shall confine their use and that of the words "Olympic" and "Olympiad" to activities concerned with the Olympic Games. All commercial use of the Olympic flag and the Olympic emblem is strictly forbidden. It is their duty, in cooperation with the National Federations to organize and control the representatives of their country at the Olympic Games. They arrange to equip, transport and house these representatives.

They are organizations formed not for pecuniary profit, but devoted to the promotion and encouragement of the physical, moral and cultural education of the youth of the nation, for the development of character, good health and good citizenship.

National Olympic Committees must not associate themselves with affairs of a political or commercial nature.

The rules and regulations of the International Olympic Committee shall be incorporated in the rules and regulations of National Olympic Committees and shall be enforced by them in their respective countries or areas.

The I.O.C. will consult the National Olympic Committees on the basic problems concerning the Olympic Movement in general and the activities of the N.O.C.s in particular. The latter can make proposals to the I.O.C. con-

cerning the progress of the Olympic Movement and the sound organization and operation of the Olympic Games. All important problems connected with the N.O.C.s will first be discussed with them and then submitted to the Sessions of the I.O.C.

Because of the importance of National Olympic Committees which are in complete charge of the Olympic Movement in their countries, great care must be exercised in choosing members, who should be citizens of the country and men of good standing, of upright character, sound judgment and independent mind, with a knowledge of and a belief in Olympic principles.

They must include in their membership:

(a) the members of the International Olympic Committee of that country if any, who shall be ex-officio non-voting members of the Executive Board (or its equivalent) unless they have been elected to membership thereon;

(b) representatives of the National Federations, which are members of International Federations whose sport is included in the Olympic program. These Federation representatives shall be of their own choice and must constitute a voting majority of the National Olympic Committee.

The following are not eligible to serve on a National Olympic Committee:

1. A person who has ever competed as a professional.

2. A person engaged in or connected with sport for personal profit. (It is not intended to exclude individuals occupying purely administrative positions in connection with amateur sport.)

3. A person who has ever coached sport competitors for payment.

Exceptions may be made in the above categories by the Executive Board of the International Olympic Committee in special circumstances on the recommendation of the Olympic Committee concerned.

A National Olympic Committee must not recognize more than one National Federation in each sport and that Federation must be affiliated to the International Federation recognized by the International Olympic Committee.

Officers or Members of a National Olympic Committee or the members of its Executive Board (or its equivalent) shall be elected at least every four years, at a National Olympic Committee held expressly for that purpose. Governments cannot designate members of National Olympic Committees.

They may co-opt to the Committee, delegates of other amateur sport organizations or persons who have rendered or can render exceptional service to the Olympic Movement, subject to the restriction in clause b. (above). Members of National Olympic Committees shall accept no salary or fee of any kind in respect of their position. They may, however, accept reimbursement for transportation, lodging and other proper expenses incurred by them in connection with their duties.

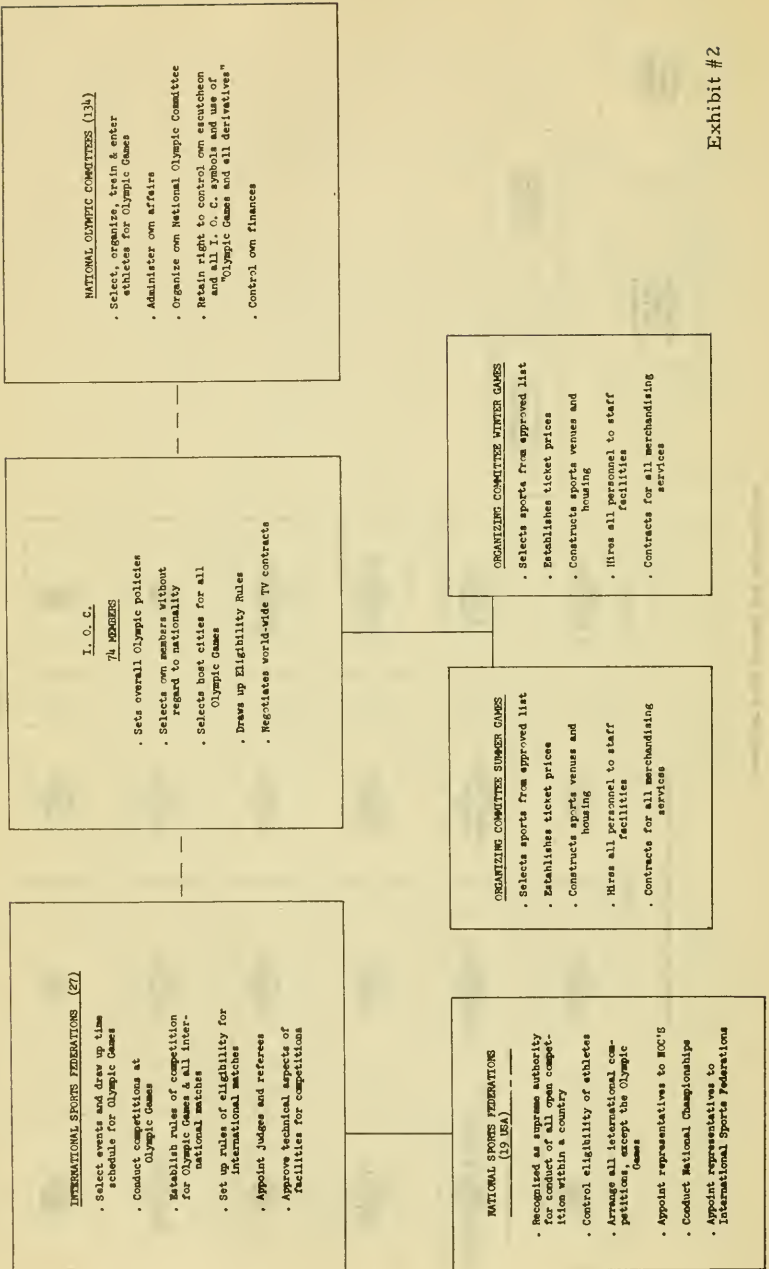
National Olympic Committees are responsible for the behaviour of all members of their delegations.

They make all arrangements for taking part in the Olympic Games.

All communications on such matters shall be addressed to them.

In order to obtain recognition, a certified copy of the Rules and Regulations of a National Olympic Committee, with, if necessary, a translation in French or English, certified correct, must be approved by the International Olympic Committee. Subsequent changes of these Rules must be reported to and approved by the International Olympic Committee. Certified copies of the minutes of National Olympic Committee meetings at which the members and officers and officers are elected or changed must be submitted to the International Olympic Committee on request.

In the event of any regulations or actions of the National Olympic Committee conflicting with International Olympic Committee Rules, or of any political interference in its operations, the International Olympic Committee member in that country must report on the situation to his President for appropriate action. If there is no International Olympic Committee member in the country, it is the duty of the members of the National Olympic Committee to report to the International Olympic, whose President has the power to appoint a member from another country to investigate and report.



Mr. KRUMM. At our quadrennial meeting in February of this year, I called for a unified effort on the part of all amateur sports organizations in the United States to strengthen the Olympic movement so every American could be justifiably proud of its accomplishments.

Further, at this quadrennial meeting several major changes were accomplished as follows:

Our constitution was amended to permit seven Olympic athletes to serve on our board of directors. This was accomplished to provide our most important constituents—the athletes—a stronger voice on deciding policies and procedures of the U.S. Olympic movement.

Three of the seven members indicated in the preceding paragraph were elected as members of our 21-member executive committee.

The seven athletic representatives on our board of directors were charged with the responsibility to select an athlete's advisory council composed of men and women and representatives of our 37 sport committees.

I might interject here, Mr. Chairman, there was some remark made about the athletes not having a proper voice. In paragraph (d) this has been done and is in existence.

(d) Each of the sport committees was required to have recent Olympic athletes appointed to each committee, and 117 Olympians including 26 gold medalists have been selected for these important positions.

Our constitution was amended to provide a membership to the U.S. Olympic Committee by a majority vote of the board of directors as to a previous requirement of two-thirds.

We amended the constitution to provide an organization seeking affiliation with an international federation as a national sports-governing body which was to have, first, a vote of two-thirds, amended to a simple majority of the board of directors.

A restructuring committee was appointed to be headed by Miguel de Capriles, vice president of New York University and former dean of the Law School, to draw up recommendations for a "new look" for the USOC. Their restructuring committee was given 6 months to report on their findings.

I might add for your interest one of the points I put forth at our last meeting was that the AAU which is a group A member now, and has been called an umbrella organization, be moved to group B; and that each of their individual sports be listed separately to make them more autonomous.

In this new setup, the AAU will have a maximum voice on the board of directors, a maximum of four. We have seven athletes now. The athletes—

Senator PEARSON. At the present time they now have nine, isn't that correct?

Mr. KRUMM. They have nine, yes.

Senator PEARSON. This needs to be enacted, is that right?

Mr. KRUMM. They have approved it. The AAU has approved it. It has to be submitted to our general membership and not to the board of directors.

The U.S. Olympic Board of Directors adopted recommendations for major revisions in liberalizing the eligibility code for the Olym-

pic Games which will be submitted to the International Olympic Committee at their Congress in Varna, Bulgaria, August 28 to September 3, 1973.

I have these available. I will not read them now. I will go over them later if you want me to.

In recognition of the ever-expanding interest of the women's contribution to the Olympic Games, a womens sports committee was established under the chairmanship of Donna DeVarona, former Olympic gold medalist, to assure that their requirements were given full consideration by the U.S. Olympic Committee.

I will be glad to go into details on that a little later if you so request.

A businessman's advisory committee chosen from the public sector is in the process of being established. This committee will be given the responsibility of reviewing all actions of the U.S. Olympic Committee and make recommendations to our executive committee.

The changes that I have just mentioned indicate that the U.S. Olympic Committee is interested and willing to make changes—not for change sake—but for lasting improvements of the U.S. Olympic movement.

I am sure that you realize that I could not cover every facet of our Olympic Committee activities in the short time allotted to me today. However, before inviting any questions that you gentlemen may have, I would like to comment very briefly on the legislation you have introduced that affects the Olympic Committee and amateur sports in this country.

After a careful review of the proposed legislation before you today, I must very candidly state that the membership requirements of the International Olympic Committee, which I have previously mentioned, coupled with the many changes that are and will continue to take place in the U.S. Olympic Committee would appear to obviate the need for such legislation at this time.

However, if the legislation is to be for the accomplishment and the betterment of amateur sports and the great contribution that they can make to our society, I strongly suggest that such legislation include a requirement for an appropriation to construct much needed athletic facilities throughout the United States.

I might add there is no official velodrome for the cyclists in the United States. We have one official speed-skating track. There are hundreds of them around the world. We have taken a good many medals. We need three or four more of these.

We need at least a half a dozen cycling velodromes which are not really that expensive. If we could build and get assistance from the Government to build one a year, for certain facilities we could show and prove are very badly needed, I think we would be a long ways ahead.

Secondly, that careful study be given to opening to the public the many athletic facilities throughout the United States which have been constructed and are being maintained from the tax dollar.

I would be remiss at this time if I did not say that the many changes in shaping the destiny of our Olympic athletes is being accomplished through the dedication and commitment of our officers

who are Mr. Robert Kane, my executive vice president, dean of physical education and athletics at Cornell University; John B. Kelly, Jr., past president of AAU; A. O. Duer, executive director of NAIA; E. Newbold Black IV, our secretary; and Julian K. Roosevelt, our treasurer; our counselor Patrick Sullivan; directors and members of our committee; none of them receive any compensation for the services they render to the Olympic Committee. Only the expenses incurred by directors and officers to attend a director's meeting are reimbursed. Members of sport committees and other committees pay their own expenses to attend committee meetings. The U.S. Olympic Committee has a small paid staff which functions at Olympic House at 57 Park Avenue in New York City under our executive director, Col. F. Don Miller.

In conclusion, let me reiterate that amateur sports organizations in the United States must be unified in their purpose and objective in providing programs to satisfy the inherent interest and needs of our fine, young amateur athletes.

We accept the challenge of constructive criticism from all sources and we are dedicated to establishing our U.S. Olympic movement to a level where every American can be justifiably proud.

In the areas I have mentioned, governmental assistance is welcomed and needed but not governmental intervention, we hope. In the organization and administration of amateur sports, it would be inappropriate and discouraging and a deterrent to the volunteer leadership we have by the many dedicated people presently in the Olympic movement.

I am sure we all realize that a well-administered Olympic program is not only the greatest athletic and social endeavor in the United States but a great vehicle in creating international friendship and goodwill throughout the world.

Thank you.

Senator PEARSON. Thank you very much, Mr. Krumm. I am sure we will incorporate in the record any other exhibits and statements which you desire to make as part of your record.

Mr. KRUMM. I would like to, Mr. Chairman, make this comment before you ask me some questions, and I hope you do.

I know you gentlemen—and I appreciate these fine athletes that came here with their opinions. I think some of the questions you asked them were a little beyond their capabilities of being answered. Most of them at present at least have not had enough exposure at the Olympic Committee level and are probably—probably have the most exposure in their own sport.

I think that we would welcome—I would like to have Mr. Kane and myself answer any questions, probably somewhat in repetition to what you asked these athletes, or anything else that you might have in mind.

Senator PEARSON. That is the central purpose of these hearings.

Let me just express a concern. I take recognition of the new rules that have been proposed and adopted, and I think they accommodate the changing conditions, but part of my real concern is that groups have gained control of a particular sport and then through the years, through their rules and regulations, have been able to maintain control.

For instance, the AAU, I understand, has international recognition in nine sports and this recognition was achieved at a time when they were probably the only administrative body available to do it. That was 50 or 60 years ago.

Now I note your change in the governing structure of group A, but isn't that essentially a correct statement, that these institutions, the AAU in these sports, really became the governing body of some 50 or 60 years ago and that the regulations within the AAU and within the U.S. Olympic Committee have really barred anyone else from obtaining a role in the leadership and administration of sports?

Mr. KRUMM. That is a good statement and it is true. Back in about 1950, maybe a year or so off on the date, there was a great hassle between the National Collegiate Athletic Association and the AAU at the Olympic Committee meetings.

We fully realize that while it was probably not in keeping with the IOC standards as such, that the NCAA played an extremely important part with the larger colleges and the finer athletes from the bigger schools so that at that time the AAU had, for many years past as you say, 10 votes.

So we gave the NCAA 10 votes without any international affiliation, federations, whatsoever. We thought this was a fair beginning and it worked real fine for a while. In fact, for quite a few years.

The present dispute between the two organizations which is really not part of the Olympic movement occurs only in very few sports.

Senator PEARSON. You are caught in the middle, too, just like the athletes, on many occasions; is that not correct?

Mr. KRUMM. Yes. Yes. We are caught in the middle in this aspect: the press and the people and yourselves and the citizens of the country look to the big major sports. These are the ones that involve the dispute. The AAU has sports under their jurisdiction, which the NCAA isn't even involved in.

In addition to that, there are 27 other sports that the NCAA doesn't have on their program. They are mainly, I would say, about basketball, swimming to a certain extent, and track and field.

The Gymnastic Federation, which was under the AAU, and should not have been, probably, for the last few years, is now an independent sport and it is a college sport; and it is primarily promoted and run in the colleges and is no longer a AAU sport. Their sports are reduced to nine.

There is at the present time some question as to who is going to get the basketball franchise. We all know that the colleges, of course, have the cream of the crop of the top basketball players. On the other hand, the AAU will state when they come to testify that they had numerous international competitions repeatedly with foreign countries and have contributed a great deal to the international picture.

As you say, Senator Pearson, we are kind of caught in the middle. We are not involved in the day-by-day operations of either the AAU or the NCAA. At the Olympic level no athlete has ever been questioned or denied his civil rights to compete in the Olympic or Pan American games. It is only on this franchise deal where they come over. one claims they have the jurisdiction, the other one claims they have the jurisdiction.

Senator PEARSON. Well, tell me about the so-called Greenbriar amendment. what it means and how it came about? What is the background to that particular development?

Mr. KRUMM. Well, that came about because of a dispute that was going on with an international body, the Wrestling Federation—the board of directors passed a resolution that was made, an amendment to the constitution which required a two-thirds vote to become an applicant for an international franchise.

Senator PEARSON. Who were the disputing parties?

Mr. KRUMM. Well, the AAU, of course, which had the federation; and a group of college people, not necessarily all NCAA.

At this last quadrennial meeting this was repealed to a simple majority which now gives a new sport federation the right to come to the USOC and claim that they have the proper jurisdiction and ability to promote this sport and submit an application, if we see fit, to the International Olympic Committee.

However, there is still the question as to how the International Olympic Committee would feel in regards to throwing out the present member. So it is not as easy as it sounds.

In other words, it is a chicken and an egg deal, which came first, whether the International Olympic Committee has the right to tell us who can recognize as the National Olympic Committee sports organization—

Senator PEARSON. Are you talking about IOC rule 24 now?

Mr. KRUMM. Yes.

However generally speaking in most other sports—I believe Mr. Kane can correct me if I am wrong—the international federations have not objected to the national sports organizations which have been submitted to them as members because they feel that the National Olympic Committee certainly know more about who is the most qualified organization in that sport in the country.

But as I say, the AAU has had basketball and now it's become one of these things where the NCAA would like to break it off and not necessarily have it come under the NCAA, but have it a college oriented federation.

Is that correct, Bob?

Mr. KANE. Yes.

Mr. KRUMM. We think—if I might add, a new approach to the improvement of the Olympic Committee, and its operations, we have taken more steps forward in the last few months than has been done in the last few years; and it might interest you to know that back in 1948, there was a lot of talk here about funds and expenses for athletes. In 1948 we had our olympic team in New York and couldn't put some of the members on the boat without making some telephone calls and getting a few extra contributions, or commitments to put these athletes on the boat and get them off to London.

I think we have come a long ways and are very grateful to the corporations and individuals who have contributed to our cause.

Senator BEALL. Could I ask a question about finances for a minute?

You mentioned the subject.

To what extent is the raising of funds a distraction or a burden for the Olympic Committee which diverts it from its purpose of pro-

viding the best grouping of athletes to participate on behalf of our country?

Mr. KRUMM. That's a good question. Actually there is none. What we have done in the last two quadrenniums and we even have a new program now that alleviates this a little more. We have State chairmen around the country who are not connected directly with the U.S. Olympic Committee, these are State fund-raising chairmen. We are going to make them (in this next revision of the constitution) State Olympic chairmen in their own areas so they can become more closely affiliated with the activities and the corporations within their State.

We are even considering that we might spend some of the money that's collected in the State for development in those sports that take place within their State. In other words, for example, in the State of Wisconsin, we have what we call secondary skiing. Telmark skiing is a very big thing in the State of Wisconsin. I happen to know this because I live in Wisconsin. No way could they get any money from the Ski Federation of the United States.

We spent—and this might correct the record somewhat—we spent \$1,400,000 on development and team preparation in the last 4 years, up until the conclusion of this previous quadrennium. Dividing that into the athletic endeavors of the various sports federations, it comes to about \$10,000 per-year, per-federation. This is a very, very small amount because East Germany alone probably spends 20 times that much.

Senator BEALL. Let me ask another question: In your opinion is the funding of the U.S. Olympic effort adequate?

Mr. KRUMM. What was the last?

Senator BEALL. In your opinion is the funding of the U.S. Olympic effort adequate?

Mr. KRUMM. No; it is not.

I think that this is where I said I would get into some detail. I think that Government assistance, particularly in the avenues that were expressed here by the athletes, in which we don't get into the day-by-day involvement, that funding is very, very necessary, in constructing facilities, creating a greater base of participation, particularly in the off-the-street sports. I am not including, of course, yachting and equestrian and things like that. I am talking about the kids on the street that can buy a pair of ice skates, track shoes, and get out and practice.

Senator BEALL. That's the indirect development. How about the direct, the direct expenses involved in producing and promoting the Olympics?

Mr. KRUMM. I think it would be a very good step forward if the U.S. Government—this is only my personal opinion—would contribute a sum of money, under supervised spending, or a program that we submit, a budget of a certain amount, to aid in our development program, because we have done wonders in some sports and have slipped in others because of the enormous amount of expense involved in development.

Senator BEALL. That's not the point I am trying to get to. We heard criticism earlier about the financial burden that in some instances is placed on athletes to compete in the Olympics.

Now do you agree in some instances there is a burden; and if there is, how do we go about correcting that?

Mr. KRUMM. No, this was a misstatement on the part of Mr. Connolly. There is no question about it. Even in Oregon, this was an open meet. The trials—we finally got down to the final time. Those men that made the team got all of their expenses paid. There were hundreds of athletes in that competition. We just don't have the money to go around all over the United States—

Senator PEARSON. If the Senator would yield on that point, I make reference to the New York Times story on November 5, says "USOC rolls in chips, bluechips, indicates an investment of \$5.1 million," and goes on, in a rather critical tone, "that the U.S. Olympic Committee is performing considerably stronger on the floor of the New York Stock Exchange this year than it did on the playing fields of the Munich Olympics. Close examination reveals that the portfolio, common, preferred, and export and government bonds, had a return of double the 8 percent Standard Poor indicates as a viable investment and the portfolio is an enormous substantial one.

You really don't have any money problems at the present time do you?

Mr. KRUMM. No, we don't have any money problems, sir, but you understand the Olympics and pan-American games cost us upwards of \$10 million. We have about half that much money in reserve. We start out now for the next 2 or 2½ years, contributions are very menial, very small, and, of course, if we didn't have this surplus we wouldn't be able to have any development program in those years.

Our budget money goes down and I give great credit to our predecessors who from 1948 when they couldn't pay the passage to put a man on the boat to go to London have built up over a period of years between \$4 million and \$5 million which is about half of our budget.

We have continued and will continue our development program. There are indications that we will be able to expand our development which I think is very, very badly needed, because some sports, for instance; archery which is a very inexpensive sport, we spent relatively a lot of money, say \$5,000 or \$10,000. We won two gold medals for the first time. I am sure this is due to our development.

On the other hand, some of the sports could cost \$50,000 or \$60,000 a year and might not even cover what is needed.

Senator BEALL. Well, I am concerned about the development, and I think it is commendable that money be spent on development. I think it is absolutely necessary that we spend money on development not only in the Olympic Committee but throughout our society in developing athletics.

You indicated a minute ago that all those people who qualified in these competitions could compete in the Olympic games, then have their expenses reimbursed, implying that those who didn't qualify didn't have any expenses reimbursed. Therefore, it becomes very expensive, it seems to me, to compete, to become a member of the Olympic team.

I wonder if we are getting the highest quality of athlete available, if they only get reimbursed if they happen to succeed in qualifying.

MR. KRUMM. That is true in part, but of the 27 sport federations, I would say that 20 of them pay their athletes their expenses.

In the larger ones, like track and field, and basketball, and sports like that, it is just utterly impossible to throw their burden back on the National Sports Federation itself.

They have no way, for instance, in fencing—how do they raise money in fencing? Nobody watches it.

Senator PEARSON. Would the Senator yield on that point?

Senator TIMNEY's staff tells me that they took in over \$300,000. I the Oregon games, did they not, in the trials?

MR. KRUMM. I believe that is—I don't know it was \$300,000. I thought it was \$180,000, of which we took all the money out to pay the athletes' expenses to and from.

The University of Oregon kept \$60,000 of profits. We could have housed and fed some of these athletes themselves. We are not saying this is criticism, because we are glad they held them. They did a wonderful job with the trials.

There are many, many approaches.

Senator BEALL. Not to belabor the point, but you indicate, obviously, the sponsoring organizations can't afford to pay the expenses of all the athletes competing. That means, therefore, that the athletes themselves have to pay the expenses. I am wondering then if we don't have a problem, because how many athletes can afford to pay the expenses that are involved in competing in order to have the opportunity to go to the Olympic games.

Is this a problem for us? And, if it is a problem, what do we do about solving it?

MR. KRUMM. It is a very big problem. I think Government assistance along the lines—the Canadian Government, much to my surprise, we had a Canadian field skating trial in West Allis. The Canadian boys told me they received \$2,500 directly, individually, from the Canadian Government through their Olympic Committee.

They have, of course, to account for it very accurately; it is only for expenses and travel and so forth.

I think that in those sports where there is a broad base of participation it is a terrible burden upon the athletes and it restricts the athletes that might become champions from competing and you are absolutely right.

This is where we could really use the help and in facilities.

I might also add many of the—Bob, you can correct me on this—many of the gyms, practice fields, and athletic facilities in the high schools, grammar schools, colleges, close up at 3 or 4 o'clock in the afternoon or are closed on weekends, not available for kids.

Now, the reason they are not available, they do not have the money, they do not have the help. The heck with the other reasons.

This could be done with subsidy money because I think this is a public property. I think arrangements could be made in certain areas which could easily be reported where facilities are needed and are available—I mean facilities where located but not available for competition.

Senator BEALL. I don't want to change the subject, but this is somewhat related. In your statement you quote from rule 24 and then

from rule 25 of the "International Olympic Rules." I am not sure why you bring those to our attention.

Mr. KRUMM. Well, I think in some cases I have reviewed all of the bills. I can't immediately place them all together. I think in some cases there is an encroachment on a position that is related to something that is almost impossible; for example, the French Government some years ago found that the Olympic committee in France was very bad. In fact, politics had gotten into it and it was very corrupt.

The government took it over. They immediately lost their IOC franchise and couldn't compete in the Olympic games. Of course, they established immediately another Olympic committee made up more or less of the same members with some guidance.

There is no way in the United States that the Federal Government could take over the U.S. Olympic Committee. They can take it over if we don't want to compete.

We are only 1 of 133 nations. It is like the United Nations. We can't change the rules.

Senator PEARSON. You mean to tell me if we pass the so-called Pearson bill and establish corporate entities chartering members to govern sports in the United States, because of the impossible situation between the AAU and the NCAA, a bill passed by the Congress of the United States and signed by the President of the United States, and becomes a law of the land, that the International Olympic Committee will bar us from participating in the Olympics?

Mr. KRUMM. Absolutely.

Senator PEARSON. I think we ought to give them a chance to do it.

Mr. KRUMM. I think there is a part of this that can be done very easily. I think the control in the sports federations or the assistance in the federations, monetary or otherwise—

Senator PEARSON. You really—I beg your pardon.

Mr. KRUMM. You can't establish, for instance, an international cycling federation or a ski federation and get the membership from the ski federation. How is it possible?

I mean, it is just—as I say, we are one member out of 133. We are open to any kind of suggestion, criticism or help; financially or otherwise.

Senator PEARSON. You have had considerable criticism. I wouldn't think you would want any more criticism.

Mr. KRUMM. I mean constructive criticism. There is a lot. I think these athletes contribute something.

Senator PEARSON. Oh, I understand.

Well, let me ask you this: Do you really think you have made the kind of reforms in the U.S. Olympic Committee, not that will satisfy us, but made the kind of reforms that will change the attitude as expressed here today by athletes as to how they want to participate or whether they want to participate?

Do you think you have made the kind of reforms that alleviate some of the interparty politics between the NCAA and the AAU?

Do you think you have made the kind of reforms that will gain you the kind of financial backing that is required and that will restore the public confidence?

Mr. KRUMM. I don't think there is any question about it, Senator. If you read the newspaper articles, and I believe we have included some of these, the press has completely turned about. There is almost no criticism whatsoever from the press. They have given us an open door because they feel we have a completely new approach.

We haven't just done this since February. We have been talking about this for some time, but, unfortunately, I didn't become president until February.

We have new officers. As you know, sometimes at the latter part of an administration you don't get the things done that you can from a fresh start. We have received more favorable press comment by tough sports writers in New York, Gene Ward, Grimsley, and the rest of them, all favorable.

There has been nothing at all said against us.

Now, they realize what we are trying to do, and that we need help, and are asking for it. I am sure that if we sit down we can work out the situation with some of the constructive things that are in some of these bills.

As far as taking over the Olympic committee is concerned, it is just such an involved matter internationally that we create more ill will than good will.

I think enough ill will was created with the Denver fiasco. As far as international sports are concerned.

Senator PEARSON. I want to say for our chairman, who has been a real leader in an endeavor to do something in this regard, and for Senator Cook who is directing his attention to many, many problems dealing with amateur and professional athletics, that they got caught in conflicting assignments; but I want to say to you, sir, and to the others that appeared here this morning, that you will be receiving some written questions from Senator Tunney and Senator Cook; and I hope you will respond to those questions. They will be a part of the record.

Mr. KRUMM. I think there is a good deal of help needed. I think there is a method of approaching this problem and solving it.

Senator PEARSON. Well, if my voice has the tone of desparation and discouragement, I went through this in 1965. In all candor, I don't see a great deal of difference in the 8 years that have gone by.

I must confess that the conduct and the impressions that those of us who were at home got of the last Olympics was a matter of great disturbance to us. I assume you share some of that or you would not be seeking to make some of the reforms that you have instituted in your new administration.

I don't really think the country wants Congress to stand by and do nothing. I don't think the country wants Congress to create another committee, wait for another report, and have it printed and put it on the shelf and just have it collect dust.

We are going to look to you to help us in this regard.

Mr. KRUMM. I think we would welcome this. I think something can be done. There have been some steps. They are slow. The eligibility rules which were going to change completely radical, putting—these are not just U.S. ideas; West Germany and other countries are going in with the same requests.

I think this will make it possible to possibly pay coaches and pay the athletes for broken time away from their jobs and things like this that are badly needed.

Of course, I think that most of the problems can be solved with some Federal money and Federal assistance if we sit down and work it out with some committees.

Senator PEARSON. I am not adverse to that. I don't speak for the committee. I had a great hesitancy of any sort of a Federal financial participation on what I see the top of the iceberg today on our structure and organization.

I am going to recess these hearings now. Again I say to you that other Senators want to put questions to you and have the benefit of your comments. They will be made a part of the record.

I will recess the hearings now until tomorrow morning at 9:30 when we will meet in room 1318 of this building.

We have excellent witnesses on hand and we look forward to hearing their testimony.

Mr. KRUMM. Thank you.

[The articles referred to by Senator Gravel follow:]

There are several items which point to the need for a National Sports Development Foundation that I wish to submit for the record.

First, a column by Mr. Pat Harmon, which appeared in the *Cincinnati Post* on September 21, 1972. Mr. Harmon demonstrates how the sport of boxing suffers in the United States—not because we don't have talented athletes and good coaches, but simply because there is no where to turn to get the necessary funds to conduct a coordinated development program.

Secondly, I would like to submit an article from the *Anchorage Daily News* which discusses the United States Biathlon Training Center at Fort Richardson, Alaska. This is the only biathlon training center in the country, and it is now threatened with being closed because the Army wants to defund its operation. That would never happen if we had a Sports Development Foundation. The importance of this training center to the biathlete is demonstrated in a letter to me from Mr. Dennis A. Donahue of Worcester, Vermont. I ask that his letter be printed in the hearing record also.

Another exhibit which shows the need for a Sports Foundation is an article which appeared in the *Washington Post* on May 17, 1973. The headline reads "Little League Holds the Line Against Little Girls." The sex discrimination in American sports that this article draws attention to would be a major concern of the National Sports Development Foundation.

I also direct the Committee's attention to an article from the *Washington Post* of March 29, 1973, entitled, "Football Gear Is 'Neglected'." In this piece Mr. Jack Walsh explains the importance of proper equipment design and fitting to the safety of our athletes. Far too many Americans are injured, even killed, participating in sports. Research in equipment design, athletic health and safety, and sports medicine would be major concerns of the Sports Foundation.

The hardships our athletes go through because we have a shortage of proper training facilities is explored by Mr. William Gildea in the *Washington Post* of March 27, 1973. His article is entitled "Dick Rader the Amateur: Years of Extreme Sacrifice but No Trip to Munich." I believe the members of the Committee will agree when they read this article that we should do better by our athletes. The National Sports Development Foundation would see to it that we do so by moving aggressively to meet our sports facility requirements.

Finally, I ask that there be printed in the record an article by Ms. Jean Safford, Publicity Chairman of the 27th National Junior Badminton Championships. Ms. Safford's discussion of amateur lifetime sports emphasizes the importance of broad-based sports involvement, directed by the many dedicated volunteers who give American sports its unique character. This grass-roots athletic participation which relies on the spirit of voluntarism is central to the National Sports Development Foundation.

[From the Cincinnati Post, Sept. 21, 1972]

CHANGE THE OLYMPIC JUDGES

Roland Schwartz, the nation's leading authority on international boxing, has an idea that will improve the officiating in future Olympics—if there are any future Olympics.

Schwartz may be the busiest man in town. Everyone wonders how he finds time for his first hobby—boxing. He does it when he's not selling ingots, beating par at the Crest Hills Country Club, refereeing high school sports, making a speech, running a physical fitness class, doing television segments on WCET-TV, or escorting his wife to exhibits where her paintings are on display.

But boxing is his No. 1 field in which Schwartz has made his widest reputation. He referees boxing matches and conducts schools at which other officials sharpen their work as referees, judges, timers or coaches.

He refereed in the 1968 Olympics in Mexico and the 1971 Pan-American Games in Colombia. He has conducted his instructional schools in Panama, Puerto Rico, the Bahamas, and almost every large city in the U.S. which has an amateur boxing program.

"Officials at the boxing matches in the Olympic Games should be from a different country than either of the contestants," he says.

"Formerly, there were not enough good judges or referees in Africa and Asia. But they have been trained now. They do a competent job.

"Suppose there's a match between a West German (European) and a Canadian (North America). The referee and judges would be South Americans, Africans and Asians.

"There were too many cases in the past games in which judgment was made by officials whose governments are allies of the people who were competing. It seemed like Bulgarians, East Germans and other Iron Curtain officials were friendly toward the Russians. And I suppose those people thought U.S. athletes might get some breaks from officials who were on our friendly side."

While Schwartz speaks for boxing, his principles would be good in any sport in which an official has to use judgment.

U.S. boxers, when they go overseas for amateur fights, are handicapped by a lack of training in the international rules. Says Schwartz, "We go for international bouts every four years—at the Olympics. In between, we do nothing. There should be a continuing program."

He said Russia has 300,000 amateur boxers in competition. They outnumber the U.S. better than 10-1.

The Russian program is subsidized by the government. The U.S. depends on donations and gate receipts. But receipts are small.

"This sent three boxers to the Olympic tryouts, but we left three others at home who just as good. There was no money to pay their way to the tryouts."

Russia has thousands of boxing coaches. The U.S. lags. "Again, it's money. We have a lot of very fine black boxing coaches who could be utilized to train our amateurs. But they don't have the money to pay their way to out-of-town events, and there is no one to pay it for them."

Americans have resisted the idea of having the U.S. government subsidize the Olympic team. "The idea is out of date. It goes back to the times when no one wanted the government to do anything. We were proud to raise the money privately. But a lot of people are getting tired of passing the hat to support the Olympic team.

"I think the government should do it, and should have a training program for the years between Olympics."

Schwartz notes that the Senate recently voted \$15 million to help Denver put on the Winter Olympics in 1976. He thinks if the government can spend \$15 million to put up some Olympic real estate, it should do as much to help train the athletes and get them to the Games.

[From the Anchorage Daily News, Jan. 19, 1973]

GRAVEL, GETTYS TO HELP BIATHLON TEAM

(By Ralph Lee)

The only organized biathlon team in the United States, based at Fort Richardson, will be leaving the state next week for two months of national and international competition.

For the team members, it might be the last time they will compete in international competition as American representatives. But, Sen. Mike Gravel and Major General Charles Gettys, commander U.S. Army, Alaska, have vowed to support each other to see that the team is not disbanded.

Gravel, who left Anchorage last night for Washington, quelled the rumor that the team, which combines cross-country skiing and marksmanship, might be discontinued in June. He said, "I have no information that the biathlon team is, in fact, not going to be refunded in June. It's all just rumor and I'd like to give it no more credence than that. We want to keep the team in the state of Alaska.

While Gravel will be working from Washington to improve the conditions of the biathlon team, General Gettys plans to work through Army channels to "secure improvements in the facilities appropriate for a team which is representing the United States."

The present facilities, located near Arctic Valley above Ship Creek, includes a network of several kilometers of cross-country ski trails, a rifle range, and the unit's headquarters—a World War II vintage quonset hut.

The hope is that the area can be upgraded to provide a suitable training area for the team, which competes annually with biathlon teams representing other countries of the world. Last year in Sapporo, Japan at the Winter Olympics, the American biathlon team recorded the highest team finish in cross-country competition of any U.S. team. They were sixth in the final tally.

Wednesday, the 14-man group, which includes two civilians, leaves for Minneapolis, Minn., and the National cross-country championships. Before they return to Alaska they will have competed in the North American championships, a series of junior and senior biathlon competitions and the World Biathlon Championships in Lake Placid, N.Y.

WORCESTER, Vt., April 9, 1973.

The Hon. MIKE GRAVEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRAVEL: I am writing to you to voice my support for the continued operation of the United States Biathlon Training Center at Fort Richardson, Alaska. Most likely, I speak from a fairly common position, that of the individual who, as a serviceman, was stationed at the Training Center and who later continued his activity in biathlon as a civilian. Possibly, my history becomes somewhat more unique as one reflects upon my more recent years. Irregardless, I feel obligated to say that without the Training Center my skills as a biathlon competitor would be non-existent, and my life would be significantly less rich than it is now.

Sadly for me, with the pending closure of the Training Center the decision most likely will be made which will end my active biathlon competitive career. I have during the past three years relied upon the Center, sometimes for specific information, but mostly for psychological and emotional support. I had planned to go to Anchorage this summer with the express purpose of training at Fort Richardson. With an intensive summer in Alaska, and a normal training fall here in Vermont where I am a school teacher, I felt I would be better prepared than ever for the upcoming World Biathlon races in 1974 in Russia. Now, with the news that the Center is very near closing, I doubt that I will head to Alaska.

The Biathlon Training Center is very important to me, not only for what it can do for me as a competitor, but more for what it has done for me as a person, a cross country skiing enthusiast, an outdoorsman and for what it can do and should do for all those fortunate enough to experience it.

I urge all those who will listen: please try to help keep the Biathlon Training Center active and operating.

Sincerely,

DENNIS A. DONAHUE.

[From the Washington Post, May 17, 1973]

LITTLE LEAGUE HOLDS THE LINE AGAINST LITTLE GIRLS—T-BALL FEARS
'SELF-SERVING PLEASURE'

(By George Solomon)

Leslie Robin Williams of Centreville, Va., and Carolyn King of Ypsilanti, Mich., are small girls who are causing large men grief these days because they want to play baseball.

Miss Williams was a 7-year-old third baseman for the Orioles in the Centreville T-Ball League until April 30 when she was dropped from the team by the league president.

Miss King is a 12-year-old center fielder for the Orioles in the Ypsilanti American Little League. When Little League officials in Williamsport, Pa., learned the Orioles' center fielder was a girl, they threatened to revoke the league's charter unless she was cut.

Although the Ypsilanti Little League officials began to bend, Ypsilanti city officials did not. "We abide by the constitution of the United States, not the Little League constitution," said city manager Peter Caputo. "Carolyn is entitled to play."

On Tuesday, Little League revoked the charter of the Ypsilanti American League.

"We'll operate the league locally," Caputo said. "The girl was just in applying to play baseball. Simply, the Little League charter which prohibits girls from playing is discriminatory."

Little League baseball was organized in 1939, and is played in 31 countries around the world. There are 2,500,000 persons under 12 years of age playing Little League, all of them boys.

"Our studies show that participation by girls in a contact sport such as baseball is hazardous," said Robert Stirrat, director of public relations for Little League.

Little League held its International Congress last month in Tampa, Fla., at which time the subject of girls' participation was discussed. There was no change in the rules, although "There was talk of some day setting up a parallel Little League program for girls."

Raine Gilbert, president of the Centreville T-Ball League in Northern Virginia, said he barred Leslie Williams because "Centreville T-Ball was formed to prepare boys for Little League. We follow Little League rules, which means we cannot include girls. If Little League would change its rules, we'd change ours."

T-Ball is for children 5 to 8. It is played sans pitcher. The ball is placed on a tee, and the little person just swings away. There are 13 players on a team, each of them batting once per inning. A game lasts three innings.

Leslie was handed an application for Centreville T-Ball in her second-grade class at Londontown Elementary School and excitedly told her father, Richard Williams, a Fairfax County policeman, she wanted to play. Williams says his wife paid the \$4 fee and presented Leslie's birth certificate.

Leslie became the regular third baseman for the Orioles, and in the eyes of her coach, Ken Roberts, "did a good job" in the games she played. "She's a very good player," Roberts added. "And there was no problem with the boys because she's a girl." Gilbert noted: "I saw her play, but I didn't know she was a girl. She's good."

Nevertheless, after an April 30 game, Gilbert telephoned the Williams residence to say Leslie was no longer eligible to play in the league.

"The girl was ruled ineligible because her sex was deliberately misrepresented," Gilbert declared, although he did not say how. "We can't change our

rules for one girl. We had many girls express an interest. If we permitted one to play (after refusing all the others) it wouldn't be fair."

Williams said neither he nor his wife attempted to deceive the league, or misrepresent their daughter's sex.

"We didn't try to fool anyone," he said. "There's nothing written in the rules against girls playing. We paid \$4 and presented her birth certificate, as required. She wanted to play and she's qualified. I didn't want to hurt anyone; I just wanted my daughter to play."

Gilbert maintained that the inclusion of girls would turn the local T-Ball circuit into a "self-serving pleasure" activity. He said Leslie must go. Leslie went.

Williams' response was to file a petition for a temporary injunction against the Centreville T-Ball League and Gilbert in Fairfax County Circuit Court. The petition was denied Friday by judge Arthur Sinclair. Williams' attorney said he would appeal the decision to the Virginia Supreme Court.

Meanwhile in Ypsilanti, Carolyn King has become a celebrity. Her appearance in center field for the Oriole Thursday attracted coverage from major television networks and newspapers.

"They usually get 50 people to a game, but there must have been 500 there last Thursday," said her father, Gerald King. "For a girl of 12, that's a lot of pressure. I'm surprised she didn't faint, because I almost did."

The president of the Ypsilanti American League, William F. Ahhut, was delighted last month when more than 100 kids were on hand for tryouts. Carolyn King was among them.

"I didn't want to tell a little girl to go away," Ahhut said.

The Little League's reaction to the Orioles' drafting Carolyn was to threaten to revoke the league's charter. Some local Little League officials wanted Carolyn to sit in the stands until they could "research" the matter. But the Ypsilanti City Council said: "No Carolyn, no ball fields."

"Our final decision was to ignore (Little League headquarters in) Williamsport," Ahhut said.

On Thursday, center fielder Carolyn King walked twice and struck out once as the Orioles lost their opening game and the Ypsilanti American Little lost its charter.

Ahhut said Tuesday the league will file suit against Little League in Federal District Court in Detroit.

Reaction so far has been favorable to the cause of the Misses King and Williams. On Tuesday, Yvonne Burch hit a triple in her first time at bat for the South Cabarrus Optimists in a Babe Ruth League game in Concord, N.C.

Although the rule book states Babe Ruth baseball is for boys only, R. W. Case, president of the international Babe Ruth League, said his office would take no action.

Several local Little League coaches said they would welcome girls on their team, regardless of Williamsport's policy.

In Washington, Buck Grier, director of Bureau of Program Services for the D.C. Recreation Department, said there is no rule against, or objection to, girls playing in any baseball league in the District of Columbia.

"It's ironic how it all started," said Gerald King. "I took my 10-year-old son to the tryout and Carolyn just tagged along. I thought.

"When she tried out, I couldn't bring myself to say, 'Carolyn, you can't play because you're a girl.'"

[From the Washington Post, Mar. 29, 1973]

FOOTBALL GEAR IS 'NEGLECTED'

(By Jack Walsh)

In this football-crazed land, it is hard to conceive of any aspect of the sport being underemphasized.

And yet gross neglect in a basic part of the game—attention to player equipment—is responsible for at least a third of the injuries.

Authority for this is Harry (Kelly) Miller, who spent almost 30 years as equipment man for the Washington Redskins.

"Just by properly fitting helmets, shoes and pads, we would cut at least a third of all the injuries," Miller said.

"There's nothing as neglected in football. The sad thing is that few coaches are competent in this field or even aware of the unnecessary chances their players are taking.

"I know because I have talked at clinics and demonstrated what should be checked and how it should be done. I might as well have been talking in Swahili. When I was finished, I'd ask if there were any questions. I seldom got more than two or three. They just don't comprehend what I was talking about.

Miller thinks the most pressing need for equipment supervision is at the high-school level, but says there is an equally casual attitude in colleges and even in pro football.

"When Sonny Jurgensen was traded to the Redskins," Miller said, "I changed his shoe size from 10½E to 10EEE. He said later it was the first time in training camp his feet didn't hurt. Sam Huff was another who was wearing a shoe too big when he came with us. A. D. Whitfield, a running back, has been wearing 12E. His proper fit was 10½ Triple-E. They gave him the length because it was the narrowest shoe they had.

"All this may not sound too serious, but what's more important than proper fitting? The cleats are spaced with the idea the fit will be perfect. A man running full speed and twisting, turning and cutting needs a good shoe that will go with him.

"If it doesn't, there could go an ankle—or even a knee."

Professional athletes would presumably be aware of their equipment needs. But Miller tells the story of Lew Carpenter of Arkansas who, reporting to the Cleveland Browns, was asked what size shoe he wore. He replied: "Medium."

More important is proper fitting of head gear.

"How often on TV do you see a helmet cockeyed, or even knocked right off?" Miller asks. "Too many times, it's because it didn't fit right in the first place. This is vital and there is no reason to take a chance when it could result in an unnecessary concussion.

"A guard with an 18- or 19-inch neck just can't wear a helmet with a full bird-cage mask, that is one with the bars covering the nose and jaw. As soon as he bends his head, the bottom hits his chest and pushes the helmet up. Yet you see them being worn."

Miller says there are tricks to building up a shoulder pad if special protection is needed. Foam rubber must be used judiciously and the pad must still lace properly and provide correct mobility.

"That's just it," Miller said. "Each player has to be checked carefully and you have to remember each has individual needs. In even some of the larger colleges, equipment may be thrown in a heap and players help themselves on a first-come, first-serve basis. This is dangerous."

Miller believes any time contact workouts are scheduled, the players should have proper-fitting equipment to engage in them.

A popular little guy in the league, Miller traveled with the Redskins from coast to coast from 1943 through 1970, from training camp through the long season. He has much experience and, at 55, thinks he has a lot of time left to pass on the tricks of an unusual and select trade.

"I guess it's kind of a crusade with me," Miller said. "I've been writing to friends in football and people in Congress, trying to get something started. I think a basic thing to do would be to get young men interested and teach them the techniques.

"Perhaps classes could be held in conjunction with regular football clinics."

Miller grew up in the old Griffith Stadium neighborhood, and the stadium. In 1928, at the age of 11, he began running errands for the late Frank Baxter, long-time equipment man for the Washington Senators.

"A couple of us would get an old ball for our efforts," Miller smiled, "and sell it for 30 or 40 cents. That was our pay."

When the Redskins came here from Boston in 1937 and made Griffith Stadium their playing headquarters, Miller helped out and eventually landed the equipment job. He was dedicated to it.

"I felt I had a duty to protect the player," Miller explained. "He was under contract to the club and deserving to the best it could give him.

"I didn't care if he was a star or the 40th man on the squad, whether he was black or whether he was white, he got the best service and the best fit I could give him.

"At any stage along the line, an injury can ruin a good football player. It's bad enough when it can't be prevented—it's even more of a tragedy when it can."

That is one of the main reasons Miller, now a fulltime auto salesman in suburban Maryland, would like to return, at least part-time to his equipment specialty.

"I do think I have something to offer," he said. "Equipment has come a long way from the early days, but regardless of how much better it is and how much more it costs, it's got to be fitted right and properly maintained."

Miller once made an opponent use the proper equipment. It was during a Cleveland Brown game at Griffith Stadium, Nov. 15, 1959.

Bobby Mitchell, then Cleveland's fleet running back alongside Jim Brown, quickly romped 90 yards for a touchdown. Shortly afterward, Miller noticed that Mitchell and many of the Browns were wearing aluminum cleats specifically banned by the NFL because the tips tended to burr and could cut. Miller notified the referee.

While coach Paul Brown fumed, the game was held up 12 minutes while the offenders' cleats were changed—to rubber ones borrowed from the Redskins.

It didn't bother Bobby Mitchell. He was equally dynamic with legal cleats. He scored two more touchdowns on runs of 23 and six yards. In only 14 carries he amassed 232 yards.

Willie Ellison holds the NFL game record with 247 yards for Los Angeles in 1971. Mainly, he holds it because Mitchell sat out the fourth quarter in Cleveland's 31-17 victory that day in Washington.

Undoubtedly, Mitchell's shoes were a perfect fit.

[From the Washington Post, Mar. 27, 1973]

DICK RADER THE AMATEUR: YEARS OF EXTREME SACRIFIC BUT NO TRIP TO MUNICH

Dick Rader is the quintessential amateur athlete, an unheralded Bill Toomey. When Rader says that "the sacrifices American amateur athletes make are much greater than in any other country," he speaks from having been there.

A resident of Washington, the 32-year-old Radar gave up his job, sold personal possessions, borrowed money and went into debt, and trained as much as 16 hours a day for two years to make the U.S. pentathlon team.

Being neither wealthy nor a military man—the top U.S. pentathletes are one or the other or both, and most of the current civilian pentathletes were once in the service—Rader can be justifiably proud of getting as far as the Olympic trials, where he finished 23d out of 35. He did well in four of the sports—shooting, running, riding and fencing, finishing fourth in shooting—but lagged in swimming.

"When you give that much time, effort, and money you have to have some reasons," he said. "Love of the sport goes without saying. To me, the pentathlon is the most demanding sport, requiring a greater diversity than decathlon. Also, I wanted to see how willing I was to go through whatever it took to achieve a goal."

Though few could be expected to sacrifice to the degree he did, given that little professional money can be made from pentathlon skills, Rader pursued his goal relentlessly. In the year leading up to the trials, he estimates the cost of his training at \$5,000. In addition, he gave up another \$13,000 in salary from the job he resigned as a research biologist. He also spent \$4,000 for training the previous year.

Before giving up the job, he gave up graduate school in pharmacology. He gave up his social life. He had to buy a new car because his old one couldn't take the 500 miles a week he had to drive to training sites.

Living in a room above a lawyer's office in Annapolis he swam and ran at the Naval Academy, did his shooting at Quantico, his riding at Columbia, and his fencing at Langley and Lanham. To scrape together enough money to keep going, he sold most of his clothing, sold his radio, gave his television set to a riding instructor in exchange for a month's lessons, and ran up

debts of \$4,000. His major expenses were travel, riding lessons, a gun, ammunition, range time, and fencing equipment.

Six weeks before the trials, his determination finally recognized, Rader was invited to work out at the Modern Pentathlon Olympic Training Center at Ft. Sam Houston in San Antonio. "I was stone cold broke except for enough money to get down and back," he says.

"It's unlikely for a guy who doesn't have money or who isn't willing to go into the military to make the Olympic pentathlon team," Rader concluded. "In fact, I just learned about a guy doing the pentathlon who just rejoined the Army because he couldn't afford to do it on his own.

"At the Olympic training center, they groom the guys they think are going to do the best job. They had been grooming three in particular, and they came out one, two, and four in the trials. And they had taken the No. 3 finisher to international fencing competition, which he needed.

"I improved in such a short time down there I can see it's the only way to do it, unless you can take off two or three months and go to Europe, because that's where the competition is.

Despite the sacrifices—"I even used to sneak into pools to train"—and his desire to pay off his debts and "get back into a career," Rader may try again, as a civilian, in 1976. Few athletes can match his determination.

AMATEUR LIFETIME SPORTS; ARE THEY GETTING THE ATTENTION THEY DESERVE?

Baron Pierre de Coubertin, founder of the Modern Olympic Games, said: "The most important thing in the Olympic Games is not to win but to take part, just as the most important thing in life is not the triumph but the struggle. The essential thing is not to have conquered but to have fought well."

As the attention of the world was drawn for two weeks on the athletic spectacle unfolding in Munich, 3,000-odd miles away somewhere in Detroit a man—unknown probably even to himself—was living out the principles of the founder of the Olympic movement. For two short weeks, amateur sports were having their day, and for the next four years would sink back into near-oblivion as the professional sports would resume their dominance of the media. Once every four years the public is stirred and gives of their time, energy and money to send the best teams to represent their country. How could any red-blooded American refuse when the reputation of the U.S. is at stake on such a large and internationally visible scale? Communications is the large technique and the media the indispensable tool.

As de Coubertin says, "it's the struggle". For twelve years now Wes Muthog has devoted his spare time to the kids. From September to April he lives, breathes and sleeps badminton.

Religiously every Monday and Saturday evening he drives to the Patton Recreation Center somewhere in the southwest section of the city and puts the kids through their paces, the drills, the games and the coaching. Almost every weekend he drives them to a tournament where they can gain the valuable experience of match play against players from other areas. He advises, criticizes, commends, consoles and nurtures them. The emphasis is put on team spirit—the whole club and all its members are the thing. The kids come from all walks of life. There are brothers and sisters, and second generation badminton players. Occasionally, tournaments are held at the Center and everyone pitches in—mothers, fathers, friends and colleagues. There are entries to be mailed, the draw to be made, the trophies purchased, the food provided, accommodations arranged, and then the hectic day of the tournament. Money is not plentiful, but somehow it works out. Each season culminates in two major tournaments: The Midwest Jr. Championships (Ohio, Illinois, Wisconsin, Iowa, Missouri, Indiana, Kentucky), age 11, 13, 15 & 18 events in five categories: boys and girls singles, doubles and mixed; and the Jr. National Championships which are held in alternating states in the U.S. It's an expensive proposition for the kids, but they raise the money by various means. Housing is usually provided, so it's the getting there that's the thing. Last year it was Eugene, Oregon, and by combining with another group coming from the east, they managed to rent an old school bus and drive there. The 20 kids and 5 adults made it in 4-5 days, with a

couple of breakdowns on the way and the old bus huffing and puffing up some of the steep grades in the mountains. They took along hundreds of sandwiches, and skipping ropes to stretch their legs at the gas stops. This year the Jr. Nationals are going to be held at the Cranbrook Schools, Bloomfield Hills. There's no travelling, but this time the work in running it.

Running national tournaments involves a heavy financial commitment. There are umpteen grosses of birds (shuttlecocks) to be purchased, an award for each winner and runner-up and consolation singles winner (54 trophies in all), rental of gym, printing of stationery, entry forms and programs, postage costs, etc. With the only monies coming from the entries (\$5 per person per event), financial support has to be solicited, via direct cash donations at Patrons and ads in the program. And Wes Muthig does all this because he loves the sport, wants to do all he can to help further the game of badminton, and gets tremendous satisfaction from helping the kids. There's no glory. He works hard for a sport hardly anyone knows even exists.

There seem to be no problems with the kids involved in such an amateur sport. There's no time for hanging around, wondering what to do with yourself, getting into trouble. They have their schoolwork too. The sport provides not only healthy exercise, but something to work for, a purpose, to improve, and in the doing mix with other kids of the opposite sex in a natural down-to-earth way. They learn the lessons of life: to take the losses and the wins, to be fair, to be disciplined, and that nothing is gained without working for it. They have their fun, and begin to learn how to have a goal and what it takes to make it happen. They learn to care about others, the group therapy of not getting away with temper tantrums or airs of grandeur. They learn club loyalty, team spirit and national spirit.

And this story—or one very similar—is repeated over and over across the country. This is the ground roots level of amateur sport. The Olympic competition is the tip of the iceberg and very visible. Underneath, thousands of ordinary people like Wes Muthig and his kids.

Badminton is not yet an Olympic event, but it's getting there. In 1968 the I.O.C. recognized the International Badminton Federation as an International Sports Federation operating in accordance with Olympic standards, and in 1972 badminton was included as a "demonstration sport" at Munich for the first time. In 1976 the Games will take place in Montreal, and with the great interest in badminton in Canada, it is hoped that it will finally be included as an Olympic event. Played at high tournament level, badminton is a highly skillful game demanding excellent physical fitness, endurance and reflexes. It is also a world-wide sport, being played in the five major continents (Europe, Asia, Africa, Australia, America) that originally were represented in the Olympic five-ring symbol.

Badminton is not a new sport by any means. There is a solid foundation of clubs and regional associations affiliated with the U.S. governing body, the American Badminton Association, which in turn is affiliated with the International Badminton Federation. The I.B.F. currently has 50 registered member countries. The first association was founded in England in 1893 and the first championships—the All-England—took place in 1899. The three countries with the most registered players are England 75,000, Indonesia 63,000 and Denmark 54,173. There are over 1,500,000 people participating in badminton in the U.S., either through NCAA, NJCAA, Nat. Fed. State High School Ath. Assoc. or membership in the ABA. Badminton is played in schools, colleges or private clubs.

Currently, there are two major international championships: the Thomas Cup for men, begun in 1948, and the Uber Cup for women begun in 1956. The U.S. has never won the Thomas Cup (Indonesia and Malaya sharing the honors), but the American women took home the cup in their first three championships until losing to the Japanese team. Recently there has been a greater exchange of players between countries, i.e. Indonesian tour of U.S., Chinese tour of Canada (and vice versa), U.S. tour of S. Africa, Danish Jr. tour of U.S., and English and Swedish competition in the U.S.S.R. arranged through the People to People Sports Committee. Sporting exchanges have always been a great avenue for initiating and maintaining relationships between different countries. Badminton is the national sport in Indonesia, drawing thousands of enthusiastic spectators to their competitions. If the average American doesn't even know what badminton is, how can we begin to understand the people?

Americans do well considering their development of skill in the sport is pretty much self-motivated and is in relation to their determination. Anyone who wants to improve must be willing to travel to various cities to gain experience against some of the other better players in tournament competition. Facilities are another factor. Schools or college gyms are the norm, whereas in many countries special facilities are constructed. In Canada very often the badminton courts will share a building with a curling club, with a licensed restaurant to help finance the operation. The ABA does what it can with its limited funds derived from membership fees: establishing and promoting jr. development programs, special training camps, dissemination of information and raising funds to send the best players to represent their country. The players then compete against teams from countries in many of which the government subsidizes the sport in one way or another.

But maybe there is hope. Congressional bill S.1640 will be introduced into the Senate to establish a National Amateur Sports Development Foundation, the purpose of which is to obtain grants from the government for the promotion and support of amateur sports throughout the U.S. The ABA is organized and geared for action, but its scope is limited by the funds available. This could be the answer to their prayers.

The depth of high calibre of play is dependent on the amount of badminton that is played in a country. The greater the number of players, the greater the incidence of an international champion. Skill breeds on competition. The more you play against better people, the better you get. With the players comes the facilities, and with the facilities more players. Europeans have traditionally been participants in lifetime sports. Americans seem to have suffered from the emphasis on pro-college-team sports, which are not the kind that can be continued after school. Consequently, armchair sportsmen have proliferated, but thankfully, it's changing. With the increased leisure time and emphasis on physical activity, Americans are picking up their tennis racquets in droves and looking better for it. Tensions are relieved, and the body rejuvenated.

The professional sports are like big machines, run in a professional manner by professional people. The performers are paid and the managers are paid. And the public pays to watch. First it was baseball and football and ice hockey; then came golf and tennis, which seemed to boom overnight following their initial tv exposure. Sure there was interest in the sports before the shining images of the champions shone from the screens all over the country; but some of the credit must go to the media for the almost fantastic surge in the number of people who became not only avid fans, but avid players. The sports were exposed, caught the fancy of the public, and took off from there. Exposure is not the only criteria. Witness, for example, the failure of certain radio and tv programs. But the media can play a part in the scheme of things. It can lead as well as follow. The power of communication works, and should be used with responsibility. By their very choice of what is reported, what is shown, how much exposure is given, they can influence the public.

International events demand international attention. National events demand national attention. Local events demand local attention. And so it is with sports.

The big-time professional sports have no complaint here. Every facet of the sport is reported in the minutest detail. Every beat of its heart is recorded like an electrocardiogram. Granted there is tremendous interest in the big-moneyed sports which can attract thousands of spectators, and that interest should be satisfied. In amateur sports, the whole purpose is different. The joy of doing is the thing. Self-fulfillment, self-discipline, self-development, all within the confines of a sporting activity operating on the principles of fairness and truth. By its very nature, it calls upon the inner strengths of the individual to pursue his desires to the best of his ability, because he wants to, because he loves to. Lessons learned in the struggle are carried on to later life as his experiences shape his personality and capabilities. And these principles deserve their respective emphasis in our society.

The responsibility of the media is two-fold: to report the news and events of the day accurately and fairly in a manner that also serves and satisfies its particular audience. Promotion of amateur sports is pretty limited in comparison, with concentration mainly on high school and college athletics.

Newspapers do better than the broadcast media in including some mention of amateur sports. And ABC-TV in all fairness must be singled out for their continued coverage of all sports, amateur and professional. But it is at the local level that the media could do more in the way of promotion of local amateur lifetime sports. On the tv the news is broken down into national and local. Sports should be treated in the same way. Sports are usually given five minutes, and the professional sports win out in the fight for time. The weather (granted the daily forecasts are helpful, but do we really need precise graphic presentations of the weather conditions all over the country?) is given equal time. How much more of interest to the local viewers would be a five minute daily—or even weekly—piece on some local amateur sport activity . . . especially a lifetime sport played by adults. Let the local newspapers and tv and radio stations report of what's going on in their area—pinpoint certain people, certain clubs, certain activities. Arouse the interest of those not currently participating. Inform them of those sports which they didn't know even existed. Let's keep this emphasis on participation sports going. Let's keep the moms and the dads and the kids out there swinging away to their hearts desire. Let amateurism and amateur lifetime sports receive their share of the attention they deserve. Let's promote amateur lifetime sports.

[Whereupon, at 12:40 p.m., the hearing was adjourned, to reconvene at 9:30 a.m., Wednesday, May 23, 1973.]

AMATEUR SPORTS

WEDNESDAY, MAY 23, 1973

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C.

The committee met, pursuant to recess, at 9:45 a.m., in room 1318, New Senate Office Building, Hon. John V. Tunney presiding.

Senator TUNNEY. The committee will come to order.

The committee today is very pleased to be able to continue with hearings on various sports bills that have been introduced and which were identified yesterday at the beginning of the hearing.

The chair wants to express to those witnesses who were here yesterday that he is sorry that other obligations in the Judiciary Committee, with confirmation of Eliot Richardson, prevented him from returning to the committee. But I have talked with staff, and I find that a full record was made by the athletes as well as by Mr. Krumm, president of the U.S. Olympic Committee.

From what I was able to see in the newspapers as well as from conversations with staff about what happened yesterday, I am more convinced than ever that we need to move in the direction of bringing about a reorganization of amateur sports in this country.

The committee is deeply honored at this time to have General James Gavin of the Arthur D. Little Co., who is known not only for his interest in sports but as being one of our great military commanders.

General Gavin, it is a pleasure having you with us.

STATEMENT OF GEN. JAMES GAVIN, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, ARTHUR D. LITTLE, INC.; ACCOMPANIED BY PETER L. OLIVER

General GAVIN. Thank you, Mr. Chairman.

I am most pleased at this opportunity to address the Senate Commerce Committee on a subject as important as I consider this to be.

I think that in order would be a word of background as to how I arrived at this particular position.

Working closely with John F. Kennedy, he viewed with considerable alarm, let us say, the 1960 Olympics, the sports feuding that took place before those. His feeling was at that time that American competitive amateur sports was declining certainly compared to other national powers.

After Mr. Kennedy's election he had a man in the State Department with athletic background, and he then launched a policy, not new but he supported it vigorously, to have our coaches and teams go abroad.

I think it is fair to say the representation of American sportsmen abroad had more favorable impact on our relations with other nations than almost anything we were doing. This was the report we got back from the embassies.

Well, now, he decided that to get the necessary representation on sports teams, we had to give every young man and woman in this country a chance to achieve excellence in amateur sports.

Shortly after his untimely death, Robert Kennedy asked me to come down and talk to him about this problem, and he asked me to head up a national study to look into it. I told him I wanted to find out more about it, determine what the parameters of the study might be.

Senator TUNNEY. General, could you speak a little bit closer into the microphone?

General GAVIN. Yes.

I was saying that Robert Kennedy asked me to head up a national study of amateur sports situation, and I told him I would like to have time to look at the background of it, and I then went to visit with a number of the heads of the sports bodies, and so on, and came back and told him I was willing to do it provided I had the White House support, because it was obviously a very critical situation particularly among the feuding sports bodies.

We agreed, therefore, I would call on President Johnson, which I did, and Robert Kennedy accompanied me. President Johnson then wrote me a letter asking me to do a study of the national sports situation.

No funds were available, so I got my own company to contribute \$25,000, the Fuller Foundation another \$25,000, and we set up a team that went about it in a very methodical way. We visited national sports bodies in Canada. We studied the situation in Great Britain, the situation in France. We went to the Olympics where we had an opportunity to talk to many of the international sports bodies, having already talked to many of our national sportsmen.

I must say I was appalled by the conditions I found in Tokyo, from what we saw. I spent a great deal of time at the Olympic Games when I was there. And a very interesting point finally came home to us. And this is my own personal opinion. But of the young sportsmen and sportswomen who walked into that stadium on opening day in Tokyo I would say they probably represented half to a third of our society. In other words, a half to two-thirds simply never get the chance to achieve excellence in amateur sports because of their economic background, because of the lack of opportunity to go to school and thus get coaching of their talent, and, finally, it costs a great deal to be an Olympic sportsman when you finally reach that level of achievement.

So I decided then what I had to do was to get into this thing and see what we could do.

The purpose of our undertaking was to give every young man and woman a chance to achieve excellence in sports. This is what it amounts to.

I still think today, despite all the problems that exist among our sports bodies, that the goal of this legislation should be that very thing—to give every young man and woman a chance to achieve excellence in amateur sports.

In this connection, I was very much interested in the press reports of Willie Davenport's testimony yesterday when he said there were gold medal winners on the sidewalk if only somehow they could be given a chance.

Before I get into my formal testimony, I might say one more word about this. I met with the sports directors of a number of our universities and I had an agreement in 1965-66 that they would open up the sports facilities of the colleges for summer competition.

You see, Mr. Senator, we have some of the finest sports facilities in the world, but they are fenced off. Just when they are needed, all summer long, they are locked up. And Vince Matthews—and this is not an unusual or isolated incident—it is commonplace. Even the Soviets have told us we have fine facilities but they are not made available to our young people.

The problem is no college sports director is going to take the responsibility for an accident occurring and possibly a lawsuit as a result of a broken leg or a broken ankle or something or other. So they just simply cannot take the chance.

Now I had an agreement that they would open up their facilities with the assurance of the Federal Government of insurance protection against unreasonable lawsuits and we were going to have sports competition between Boston and New York and Philadelphia and we were going to use the facilities in New Haven.

Bob Cain of Cornell was going to run this thing for me. If we started this we could go and spread it around the country with nationwide sports competition.

I needed the support of the Federal Government and I couldn't get it.

President Johnson, when he received our report on a proposed national amateur sports foundation, just pigeonholed it, and, despite several calls at the White House. I never could get anything done about it.

So this is all preliminary statement, Mr. Senator. I am saying this to tell you how deeply I appreciate the interest of this committee and how important I consider this to be. This is why I am here.

Senator TUNNEY. I am awfully glad to hear you say that because I think that I can speak for other Senators on this committee, Senator Beall, Senator Pearson, Senator Cook, and Senator Magnuson, that we want very definitely this year to see legislation passed in the Senate, and hopefully the entire Congress. Your testimony and your interest is going to do much to help establish a record which will enable us to move it quickly through the Senate.

General GAVIN. Thank you.

Now, the study that we did of sports gave us an opportunity to look broadly at all of the sports and compare the sports program of this country with that of other nations.

Now, I would like to today convince you of the merits of S. 1690 which would establish a national sports development foundation. In essence, this bill implements the recommendations of our report to President Johnson.

We at ADL have worked since January 1965 behind the scenes both at the White House and now in Congress to see that report implemented in the public interest. I will also comment on the three other sports bills which you are considering.

First, I want to say that all four bills you are considering address themselves to very important issues which demand resolution. Physical education and the ability of our citizens to compete to the extent of their capabilities in the sports of their choice is a fundamental part of the educational process. All too often sports are looked upon as either an extracurricular activity or a vicarious form of entertainment for the elderly in the United States.

Yet history and our current experience illustrates repeatedly the benefits of physical education and competitive sports in developing good health, sound minds, and moral fortitude. Thus, the issues you are addressing ultimately affect the health, wisdom, and moral fiber of our society.

All four bills are concerned with improving the quality and personal values associated with international competition which is the highest level to which any of our athletes can aspire at the amateur level. I am sure the athletes particularly appreciate the fact that you are taking your valuable time to address these issues.

I will next quickly review each of the four bills under consideration here and offer my opinion of them. The intention of my comments is to help guide you in developing and passing one piece of legislation that incorporates all of the good ideas brought forth in these bills so that it will win early passage in both the Senate and the House.

Your bill, sir, S. 1018, to study and evaluate the issues of the U.S. participation in the Olympic games, addresses a need for Congress and the public at large to become informed about the purpose and objectives of U.S. participation in the Olympics and about the methods by which that participation is accomplished. Like all organizations there is a need for periodic critical review of the U.S. Olympic Committee's activities which this bill proposes.

My main question is whether it is necessary to form a national commission to perform this critical review. Perhaps the USOC can be persuaded to undertake its own review, implement its own reforms where needed and report the results to Congress.

Could not an annual report of actions, unsolved problems, and plans be required to sustain the Federal charter which the USOC now enjoys?

Another possible means to this end is to have the USOC report be incorporated in the annual report to Congress which is required of the sports development foundation proposed in S. 1690. The foundation trustees could then be required to evaluate and render an opinion on USOC needs vis-a-vis other sports development programs.

S. 1192, Federal Amateur Sports Commission: The positive side of Mr. Cook's bill is that it establishes a permanent body with real clout, the kind of clout necessary to solve disputes between the AAU, NCAA, and for that matter, between other amateur sports organizations that might have disputes in the future.

One of the problems in the past is that Congress and the public at large have tried to deal with the problem on an ad hoc basis, and many individuals have acted in this endeavor.

The AAU-NCAA dispute has been going on in various forms under the surface continually since 1920, so there is no one regulation that is going to assure that these organizations do not come into conflict in the future. Therefore, a permanent body to monitor and mediate disputes is a definite requirement, and I think that is the most positive aspect of the bill.

I would like to go on to S. 1580, the U.S. Amateur Sports Association Board, Mr. Pearson's bill.

Mr. Pearson's bill addresses the issue of designating sports organizations that will represent the United States in each international sports federation and furthering U.S. amateur competition in each sport. Its positive aspect is that it points up the need to form an organization around each sport or related group of sports that hopefully can provide the services of a paid staff.

My real concern with this bill is that it is likely to cause a rush for a Federal charter among various organizations, particularly in various sports where sanctioning power is currently being contested. This is a very important thing, because in my experience looking into sports many people do not realize the complexity of the international sports organization and the powers of the IOC, and to charter Federal sports bodies without knowing what will happen to them, their relationship to the IOC, is only to invite trouble.

So I believe that the national sports development foundation proposed in S. 1690 is a much better approach to solving this problem.

Now, let me say a word about that. This bill, S. 1690, sponsored by Senators Gravel, Thurmond, Randolph, Fannin, Humphrey, Goldwater, Gurney, and Scott of Pennsylvania, would establish a private foundation chartered by Congress and endowed by private contributions matched by Federal funds up to a total of \$100 million.

The bill was critically reviewed in early December 1972 and on May 7 and 8, 1973 by a widely representative Sports Advisory Committee assembled by the Senate sponsors of the bill. It is what I call the carrot approach rather than the stick approach to solving problems that have been recognized in the three bills I have previously reviewed.

Now, Mr. Chairman, I am going to avoid reading the details of that bill and discussing the details, because I know you have copies. You are familiar with it.

I would like just to go on to say in conclusion that I wish to stress that the sports development foundation bill incorporates many of the sound ideas that you gentlemen have presented. It forms a permanent body that can become educated and really understand the problems of amateur sports and serve to put out the fires as they occur every year and every day.

The foundation should have visible, widespread Federal recognition and thus the ability to be a very convincing and forceful instrument in solving disputes which occur and most importantly to improve the quality of participation and the ability of our athletes to reach their full potential in amateur sports.

In supporting this bill, I would be the very first one to say—I have studied it for some 10 years and followed it closely—although it embodies the lessons we have learned from looking at other countries, nevertheless, once passed, I think that it has a great deal of learning to do.

Sports are voluntary. Athletes do not want to be dictated to by anyone about how they will do this or that. Their concern is with the competitive sport itself. They have sports bodies. They have international sports bodies. They have the AAU, the NCAA, and other bodies as well, such as the U.S. Track and Field Federation, and so on.

What we must bring into being is a foundation that will be an umbrella over all of these activities, an umbrella that is understanding and helpful in trying to give every young man and woman a chance to excel at amateur sports. That's the thing.

It is going to have to do a great deal of learning. It is going to have to come back to Congress I would say periodically and perhaps have some changes made in the bill itself as it learns how to deal with the problems it must deal with. It is unprecedented in our national experience to have such a thing.

But, Mr. Chairman, the sad thing is there are only three nations in the world that do not have national sports bodies, and the United States is one of them. We have allowed sports in this country willy nilly to go on doing their own thing in their own way sometimes with aggrandisement of powerful individuals who lead certain bodies.

This is neglect of our young people who never get a chance to participate in amateur sports. It is high time we bring about solution to these problems that have been left in the wake of our negligence of the problem.

So I strongly support the national sports foundation bill.

Senator TUNNEY. Thank you, General.

I was interested to hear of your sharp criticism about the way amateur sports in this country have been allowed to grow willy nilly, and it seems that this is a common complaint. Yesterday we had the opportunity to hear from some of the Olympic athletes, and it was clear from their statements that they were most dissatisfied with the program they participate in so that they can compete in the Olympic games and even in the trials.

General GAVIN. Yes.

Senator TUNNEY. They were not given the kind of consideration that I think any fair-minded American would say was necessary to enable them to do the best job that they possibly could.

Now, I think that my bill is more modest in its dimensions than the other bills, because my bill relates to the National Olympic Committee, the U.S. Olympic Committee, whereas the other bills relate to supporting activities across the country in non-Olympic as well as Olympic sports.

General GAVIN. Yes.

Senator TUNNEY. I have not cosponsored any of the other bills so that I could maintain an open mind during these hearings.

I would like to ask you a couple of questions with respect to the Olympic games bill. I think it is clear that the U.S. Olympic Com-

mittee—you have said so yourself—has been outrageously negligent in meeting the needs of the athletes and indirectly the public. The public has an interest in seeing our national athletes do as good a job as possible at the games.

And I for one have felt that the U.S. Olympic Committee was just no going to be able to do the job of reform itself. It seemed to me that it had become ossified and highly structured in a way that was more designed to perpetuate those people who served on the board of directors than to be responsive to the athletes.

And so it was for that reason that I introduced a bill which would create a commission to investigate the U.S. Olympic Committee, believing that it would be the best and most effective and objective way of obtaining recommendations on areas of needed reform.

What is your impression, if you could give it a little bit more fully than you did in your statement, of those observations?

General GAVIN. Yes, Mr. Chairman. Well, first of all, I am surprised that Congress has not brought before it, even before this committee, in a very demanding way, members of the Olympic Committee. Because they operate under a Federal charter and they are responsible to Congress.

Why hasn't Congress demanded of them an annual report, let us say? Why has it not followed more closely what they are doing?

Now, I would like to digress just a moment. They are not evidently men trying to do harm on the Olympic Committee. I have met with them on several occasions. And they have conflicts built into their own operations, in that they represent other sports bodies, you see, who are sometimes at odds too.

It is far more difficult than this, however, at the grassroots level.

I was really shocked to find out, for example, in amateur sports that in the United States there is but one bobsled run—that was 10 years ago—at Lake Placid. I think that is still the case.

Not a single Olympic standard skating rink anywhere in the United States.

For example, when I was doing a study of this I had a number of very touching letters from mothers of young people who wanted to go farther in swimming. Well, the number of Olympic standard swimming pools are just minimal, to say the least. There are a few in New York. And the youngsters who wanted to worked to get there and get the city authorities to open the pool an hour early in the morning, and then others were in it all day long.

We had the same condition in figure skating, for example. This becomes very expensive to hire a skating rink.

Then, further than this, the AAU which has sanctioning authority for the preliminary, the elimination runs as we go to the Olympics, doesn't have an awful lot of money. It doesn't have facilities of its own, you see. The facilities are in the colleges mostly. And, as a consequence, when they announce their eliminations, at once the trouble starts because young people are expected to pay their way, and they simply don't have that kind of money.

Some athletes hitchhike all the way across the country. Some just don't go at all.

So that right in the beginning criticism of the Olympic effort arises, and it mounts and mounts, and when they get to the games

I am sorry to say that a number of former Olympic officials just go as spectators and aren't helpful. They should be working, but they don't work. That's the way it is.

Senator TUNNEY. It doesn't have to be that way though.

General GAVIN. It doesn't have to be that way at all. They shouldn't go unless they are working. And I know they do go just as spectators, as I say.

As Hal Connolly said I think yesterday, they go first class, in comparative luxury, while the poor athletes are just herded about like cattle, you know, and it shouldn't be this way.

Now, I think that the bill I am proposing will address itself to the facilities problem and the opportunities problem and make the way not only smoother but very encouraging and exciting for young people to get to Olympic competition.

Then I think the foundation should require reports of the Olympic Committee and do something about the behavior.

In the meantime, it would seem to me most appropriate—most appropriate—for Congress to bring the Olympic Committee people in here and find out what they are doing, where the money goes, what they do, who goes where, who does what, and how they carry out their job.

Now, I would like to say while on this point I speak about the things of which I have personal knowledge. We did a study of the Olympic Committee and its charter and I did not participate in that study except in a review capacity. Mr. Oliver on my right played a very active role in that and in writing the report. I would like him to comment on the internal organization of the Olympic Committee and how it functions.

Mr. OLIVER. One of the chief points that you have to bring out is that reform of any organization ultimately has to be done from within. The very act of putting pressure on an organization and demanding that it reform I think coming from Congress would create sufficient incentive to any organization to reform, to improve its organization and to reform its ways.

Therefore, I think the very fact of asking Olympic officials to render a report to Congress each year stipulated as a requirement in its Federal charter would serve this purpose.

Now, the question is: Who is going to evaluate it? I think Mr. Tunney is raising the question: Who is going to evaluate the report? Congress doesn't have enough time. Unless you get involved in amateur sports continually on a day to day basis, it's hard to become knowledgeable and know how to evaluate things. You can see the very gross wrongs that are committed, but how about the wrongs that are not so gross and are subtle in their nature?

I think this is a valuable role that could be played by the national sports development foundation. It is a body that is permanent that could learn sports, learn it on a day-to-day basis, and could come back and render opinions to Congress based on its substantial knowledge.

Senator TUNNEY. I think that I would have to disagree with one thing that you said—that the way you reform organizations is to do it from within. I think the history of organizations has shown

that unless there is some way of getting not only outside pressure but, in the case of many institutions, having legislative restructuring, it's impossible to get the necessary reform.

Now, Mr. Krumm said yesterday that if there was significant reform they wouldn't be recognized by the IOC. I just have to take that statement that there is no intention whatsoever to reform from within.

Now, whether the reform is done by the foundation or whether it is done by a separate commission that is appointed is really to me immaterial. I think that what we need, however, is something speedy and quick insofar as the Olympics are concerned.

I think that the foundation, reading the bill, having listened to people talk about the bill, is a superlative idea, because it will generate money for amateur athletics. But I'm wondering with the time running out now in getting the necessary reforms of the Olympics Committee prior to the next Olympics if we can wait until we get the foundation set up and funded, because I am sure that the foundation is going to have responsibilities, particularly financial responsibilities, which will take up all its time.

And the idea of the Olympic commission was a one-shot deal to do an evaluation and make recommendations of reform and then see if we can get the Congress to institute those reforms.

And then I would assume that the foundation would then exercise an ongoing oversight.

General GAVIN. Mr. Chairman, I share your anxiety. I believe every word you have said is absolutely valid. We have got to do something and do it promptly.

I don't know how you can get at the Olympic Committee right now except to bring them right in before this committee and demand things of them or demand, you know, reports and so on.

Senator BEALL. On that point, Mr. Chairman, if I may interrupt, Mr. Krumm came here yesterday and indicated he took office in February 1973 and indicated he is now embarked on some reforms. He didn't say what those reforms were.

I am wondering if you are familiar with the reforms and would like to comment as to how extensive you think they are and whether or not they are going to be effective.

Mr. OLIVER. Yes; I would like to address myself to the question.

Mr. Chairman, we are in substantial agreement with you—I think there is no question—as far as pressure goes we are in agreement that some pressures have to be generated from the outside.

Now, it's just a question of which direction the pressures come from. Now, the pressures that you already exerted on the Olympic Committee by calling them up here and by submitting your bill, Mr. Chairman, have caused some motion to occur within the Olympic Committee.

As General Gavin said earlier, this is not a group of outright scoundrels running the Olympic Committee. There are some very dedicated persons on that Olympic Committee who have been trying to reform and have been making reform throughout the years.

On the other hand, there are some individuals who are there on the Olympic Committee strictly to serve their own ego needs, and

their own ego needs come first before the needs of the athletes. That organization has been created to serve the athletes and not vice versa.

So the reforms that I see that have taken place since Mr. Tunney introduced his bill are that women have been now given much greater representation on the board of directors. There has been thought given to restructuring the games committees. There are a number of games committees there that have over 40 members distributed throughout the United States which can't possibly come together and meet and conduct any reasonable form of business. The committees are too large, too unwieldy.

There are a lot of things like that occurring right now just because of the introduction of Mr. Tunney's bill and now the concern of Congress.

I would like to go further and say we spent the equivalent of \$180,000 worth of consulting effort and expenses to study the Olympic Committee's entire organization and to recommend long- and short-range plans of action to improve our performance in each of the Olympic and pan-American sports in which we participate. Now, why didn't Congress demand that the Olympic Committee submit that report to Congress? That report was never released to the general public.

Senator TUNNEY. Where is it now?

Mr. OLIVER. It is held by the Olympic Committee, the offices of the Olympic Committee.

Senator TUNNEY. Can you get hold of it?

Mr. OLIVER. Yes; through the Olympic Committee. They did not officially release it.

Senator TUNNEY. Why don't you give it to us?

Mr. OLIVER. Our normal relationship with a client is one that the report is the client's and the client in this case chose not to release the report publicly. You can subpoena the report from us and obtain it that way. But normally we honor our client relationships.

Now, we told the Olympic Committee and they need help and the more they publicize their problems the more help they are going to get. Why cover up your problems? Why not recognize your problems and seek help from outside your organization?

Senator TUNNEY. Well, we will first write a polite letter to the Olympic Committee—

Mr. OLIVER. I am sure they will make it available.

Senator TUNNEY [continuing]. Requesting the report, and if they will not give it to us, then I am going to ask other members of the committee to go with me in voting to subpoena it, because I think we ought to have it.

If you spent—\$115,000?—

Mr. OLIVER. \$180,000.

Senator TUNNEY. If you spent that kind of money, I would think that that would be a very good place to start in evaluating what the Olympic Committee is doing and what it isn't doing.

Senator BEALL. On that point, other than file it, what did the Olympic Committee do with the report?

Senator TUNNEY. That's what I was just going to ask.

Senator BEALL. Is this the report paid for half by the Ford Foundation and half by—

MR. OLIVER. No; this is a separate report which was strictly paid for by the Olympic Committee out of its funds. The Olympic Committee had the study done. We bid competitively against other consulting organizations to do a study for the Olympic Committee.

General GAVIN. We spent an additional \$30,000 on it too.

Senator BEALL. What did they do with it?

Mr. OLIVER. We charged them \$150,000 for the project and spent an additional \$30,000 because we didn't understand the intricacies of amateur sports. We underestimated the complexities of amateur sports and bit the bullet and spent the additional money to render what we thought was a creditable report.

General GAVIN. This is a very important point, Mr. Chairman and colleagues. This is a very intricate and complex problem. And the Olympic Committee tends to paralyze itself by divisive forces within it so it can't act. And it isn't something you can deal with simply. Then you have the sports bodies in the United States feuding with each other. They have representation too, you see, in the Olympic council. It's a very complex problem.

This is why, Mr. Chairman, you are going to have to have a national sports body to oversee this whole thing reporting to Congress.

Senator BEALL. We still don't know what happened to the report.

Mr. OLIVER. In answer to Mr. Beall's question, let me say this. The Olympic committee immediately implemented many of our recommendations in this report in terms of restructuring its organization. They changed the bylaws in order to centralize authority and decisionmaking capabilities at the top rather than having—that organization is composed of over 170 sports organizations in the United States. At the time we did the study it took an assembly of those organizations once every 2 years to make almost any decision that the Olympic Committee had to make.

So we centralized decisionmaking responsibilities in the board of directors, the executive committee, and the officers of the Olympic Committee.

We restructured the organization at the top, and they immediately implemented those recommendations.

Many of our other recommendations however, they chose not to implement for various reasons, some good reasons and some perhaps not so good reasons, but they did implement a substantial number of our recommendations.

The difficult things to do, the things that cost money they have not implemented by and large, one of which was to strengthen the structure of the paid professional staff that supports the Olympic Committee—that is, the staff at Olympic House. Those recommendations, by and large, were not followed to the degree we felt should be followed.

Senator TUNNEY. Well, I think that Senator Beall has raised a point that is a concern to us all, and I think that perhaps we need to probe your answer a little bit further.

You said that they have followed a substantial number of your recommendations, and yet we hear testimony from you and from others that the U.S. Olympic Committee is just not doing the job, so obviously one of two things has happened. Either they didn't

follow all your recommendations, particularly the most important ones, or your recommendations weren't adequate.

Now, you can't have as bad a situation as presently exists with the Olympic Committee if they followed the kinds of reforms that would have been appropriate under the circumstances. And your reforms in your report were probably adequate to the task and they didn't follow the more important ones that would have reformed the Committee so that it would be responsive to the athletes and responsive to the needs of the people of the country.

General GAVIN. Well, Mr. Chairman, let me say I hope that you will ask for a copy of the report and go through it carefully. You will find it quite interesting. It didn't go at all as far as the problems of the Olympic Committee would expect it to go. That wasn't specified in the proposal we made.

There are many things about the operations of the Olympic Committee of which you are aware. For example, the practice of selecting a new coach for the prestige it gives him for each Olympic games. He brings together his athletes. doesn't know any of them probably, has no interest beyond going through the games and thereafter being known as the coach of the track team of such and such a game.

The practice of the Olympic Committee itself in not being very well organized onsite, having inadequate communications and inadequate ways of supervising who does what and who goes where.

The Olympic Village, if you spend much time in it, is something to behold, you know. And what happened in Munich was quite shocking but not surprising to those who have been through Olympics in the past. When men had an event on the field at 1700 hours the coach told them to be there at 7 o'clock. And the amazing thing is there was no one on the track in charge of all activities representing the United States who had communications with the Olympic Village to get people out there.

Well, there are so many of these problems of this sort that go on. They are way beyond what this report considered, you see.

I would strongly urge the members of the Olympic Committee be brought in here and this gone into quite thoroughly. And I do share your feelings. My feeling is one of anxiety. We can't just wait for a foundation to solve the Olympic Committee's problems in time for the next Olympics. We have got to get moving on the problem.

But, honestly, you do need a national amateur sports body, and the foundation would well serve to fill that need.

Senator TUNNEY. I appreciate what you are saying. I think it's going to be impossible for the Congress to spend the kind of time and to make available the kind of resources to do the in-depth study you are talking about. I think it must either be a foundation which will do it or it must be a special commission.

Now, I think the foundation idea is a very good one, and I think perhaps for ongoing oversight it is a very good idea to have the foundation have a role.

General GAVIN. Yes.

Senator TUNNEY. But I just don't see how in preparation for the next Olympic games that we are going to be able to get the sort of

reforms that are needed unless we have on a full-time basis the kind of commission, referring again to my legislation, which would be able to devote time and effort and which would have adequate resources to make an evaluation of what the committee is doing, what it is not doing.

I don't frankly think we can afford another Munich. I don't think there are going to be Olympic games if we have another Munich. I think it will all be over.

General GAVIN. I see nothing incompatible with your views and mine. And ad hoc commission right now to look into this thing probably is imperative, even rather advisable, but please do not consider it a solution to the national problem.

Senator TUNNEY. Absolutely not.

General GAVIN. Right.

Senator TUNNEY. Absolutely not. No. The idea of the foundation is very good.

Senator Beall.

Senator BEALL. Thank you, Mr. Chairman. I just have a few questions.

General. is it oversimplifying the problem to suggest it can be divided into two parts, the first part dealing with the development of an athletic opportunity around the country and the second part being the coordination of the governing authority so that we eliminate the kind of jurisdictional disputes we have at the present time?

General GAVIN. You really can't separate those, you know. Because, to begin with some of these sports bodies get control of the young athlete the minute he goes—well, certainly in college. Small colleges have an organization of their own. NCAA is the largest one. And from then on they are dictated to, and they may not participate in meets sanctioned by another body without arousing the ire of their own coach, you see, and director of athletics, and he may be denied participation in television programs in which he gets a lot of income, denied participation in competitive paid sports such as college basketball, college football. I mean top pay in the sense of appearance. And you just can't separate the two.

Senator BEALL. When I spoke of development, I wasn't thinking of at the college level. I was thinking down at the real grassroots, elementary school level, where you really start out with children and develop their interest in athletics, and to that extent—

General GAVIN. Yes; they can be—

Senator BEALL [continuing]. How great a role does the school system play in all this?

From listening at least yesterday I got the impression that in team sports basketball is the classic example. We do a pretty good job because all of our public schools develop basketball players, have a basketball program. But when we get into a situation where you have your skiers or swimmers or individual track people, I got the impression that these people were able to reach the degree of preeminence that took them to the Olympics for two basic reasons. Either their parents had a degree of affluence or were willing to make financial sacrifices that enabled them to get special attention, or in the case of Mr. Davenport, just by circumstances, he was thrown in with the

right people at the right time so his talent was recognized and developed.

Now, can we use the school system programs some way to broaden out the athletic program so that more people have greater opportunities?

General GAVIN. Yes; well, may I say about that when we look at this problem 10 years ago, to give you an idea, our feeling was—I felt then—if we didn't solve this feud between NCAA and AAU, it would be unresolvable short of Federal action.

Because at that time the NCAA was projecting enormous income from national television from college sports, and it established the U.S. Track and Field Federation as a subsidiary of the NCAA to really get control down through the high schools at that time.

Now, how far it has gone in the meantime I am not sure. But to a degree they are separable, but if we don't solve them now they will be inseparable, because the control will go right on down to the lowest level of the school system.

And again I have to keep reminding myself—forgive me for reminding you—what we want is for every young man and woman on the streets with nothing to do and never a chance, the Althea Gibsons of tomorrow—give them a chance to find out about this through national sports competition up to Olympic standards conducted annually. This is what we're talking about.

Senator BEALL. I sensed in your statement that you are anxious that we have Federal assistance in the problem but you are concerned about the degree of Federal control that could possibly result, and that is why I mention the school system.

It seems to me, for instance, under the terms of the Elementary and Secondary Education Act we induce schools to get involved in all sorts of things by holding out the carrot of Federal money.

General GAVIN. Sure.

Senator BEALL. Perhaps that's the implement by which we can induce the schools to broaden their athletic programs so there would be greater opportunity for participation.

General GAVIN. Yes, sir. I think this is an excellent point. This is why I said in the beginning if this foundation were established we have to learn as we go on. This may be one way to do it. Actually it goes to higher education.

One of the things that has distressed me, and when I went around and talked to directors of athletics and presidents of colleges 10 years ago, is the extent to which a college will take a young man and then maybe have a scholarship given him by the director of athletics. And it should be given by someone representing the total campus environment, the educational opportunities as well as the sports ability.

Furthermore, then, the director of athletics in response to pressures from the sports body, can be absolutely arbitrary with him, tell him what he can and can't do, where he may go, and the president of the college does nothing about it.

It seems to me when a young man goes to college the president is then responsible for the student body, and they shouldn't be mistreated by any sports body, and he should exercise this responsibility.

The ironic thing is the colleges frequently get considerable Federal support too but they allow things to happen inimical to the interests of the United States in competitive sports and do nothing about it.

There is a lot of learning in this field I think, whoever has it, foundation or whoever the trustee, must go through.

Senator BEALL. Thank you.

Speaking of things that seem to be inimical to the interests of the United States, I won't ask you to comment on this unless you have read the article, but, Mr. Chairman, I think you ought to consider putting this in the record so that the people who represent the AAU would have an opportunity to comment on it tomorrow.

This is an article from the Washington Post, "AAU Outlaws Swim in China."

Well, there appear to be some jurisdictional problems here, and on the surface it appears to me to be a form of colossal arrogance, because in this time of international warmth and good feeling when we appear to be embarking on a new era in our relationships with other people, here is a domestic organization in the United States saying, "No, sir, you aren't, United States swimmers going to get out and help soothe tensions that existed before, because we have a jurisdictional problem here, and we aren't going to let you do it."

It seems to me if they are interested in promoting not only the interests of the athletes but more particularly in promoting the national interest of the United States, their attitude should be: how do we help in this thing rather than how do we stop people from participating?

I will ask the article be put in the record with the AAU being requested to respond to it tomorrow when they are here.

Senator TUNNEY. It certainly will be, Senator.

[The article follows:]

AAU OUTLAWS SWIM IN CHINA

OKLAHOMA CITY, May 22 (AP)—Harold W. Henning, president of the International Amateur Swimming Federation, said today that a U.S. swimming team scheduled to compete in the People's Republic of China does not have the sanction of his federation and that participants risk possible suspension from future competition in Amateur Athletic Union events.

He said the China tour, arranged after recent talks in China by presidential emissary Henry Kissinger, was prohibited because China is not a member of the swimming federation, referred to as FINA (Federation Internationale de Natation Amateur).

"The State Department knows this is against our rules," said Henning, attending the General Assembly of International Sports Federations here. "They have been told it does not have our sanction or approval," he said.

He said the State Department has deleted swimmers from the list originally scheduled for the tour in an effort to comply with the FINA's regulations.

The present list, Henning said, does not include any swimmers now connected with the AAU. He said it would be up to the AAU to take action if any of the swimmers presently on the list seek to compete in any future AAU events.

Henning said he had received correspondence from several countries represented in the federation asking if the tour of U.S. swimmers, divers and coaches had the federation's sanction or if there had been a change in the rules.

He released a letter from Ollan C. Cassell, executive director of the AAU, which said his group regretted the State Department "elected to violate protocol and bypassed the Amateur Athletic Union, which is recognized by the world governing body of aquatics as the governing body in the United States."

In the letter, Cassell said the AAU was "advising those individuals named by the State Department as members of this entourage that they are jeopardizing our international membership by participating and are subject to such disciplinary action as our rules provide."

Senator TUNNEY. I think we might agree that the timing of this decision by the AAU is actually perfect, isn't it?

Senator BEALL. It spotlights the problem, Mr. Chairman.

General GAVIN. The degree of your indignation delights me. Something has got to be done about it.

Senator TUNNEY. They are going to be here tomorrow. AAU will be here tomorrow so they will have a chance to discuss their decision with us.

Any more questions?

Senator BEALL. No. I have no more.

Senator TUNNEY. I want to thank you, General, so much. Thank you very much for giving us the benefit of your expertise. It has been very helpful to the committee and I know that it will be convincing, cogent testimony for other members of the committee and the Senate who weren't able to be here.

Thank you.

General GAVIN. Thank you. Good luck to you in your endeavors. They're very important.

Senator TUNNEY. Our next witness is Mr. Edward Steitz, president of the Basketball Federation of the USA.

STATEMENT OF EDWARD S. STEITZ, PRESIDENT, THE BASKETBALL FEDERATION, USA

Mr. STEITZ. Mr. Chairman and gentlemen, my name is Edward Steitz, president of the Basketball Federation of the USA, and I have been its official representative at the past four Olympiads. I serve as editor and national interpreter of the amateur basketball rules for the United States and Canada and have been a member of the Board of Directors of the U.S. Olympic Committee for the past 8 years and on its Executive Committee and Administration Committee for the past 4 years, in addition to being vice chairman of the U.S. Olympic Basketball Committee. I am also a member of the Panel of Experts on Sports for the U.S. State Department.

I am most grateful that this committee has extended me the invitation to attend these hearings on legislation dealing with the conduct of amateur sports. The school-college communities which play the major role in amateur basketball join you in a spirit of cooperation with the hope of eliminating the malfeasance, nonfeasance, and misfeasance that has manifested itself in some of the organizations responsible for international competition and especially the U.S. Olympic Committee whose operation and structure absolutely necessitates reform.

It is my firm conviction that it is necessary to have Federal legislation to bring order out of chaos and convert our huge potential for success and efficiency into its maximum rather than the minimum that exists today in some organizations responsible for international competition.

I do believe, however that before going into any detail on legislation it should be recognized that the legislation should be carefully tailored to the basic problem areas and should address itself to the problem and that the major problem is international competition.

I am confident that you gentlemen recognize that the basic problems speak to international competition and therefore affect, basically, only international sports competition conducted in the United States.

The legislation while reaching the basic problems should be so fashioned as to interfere to the minimum extent necessary with the administration of sports organization that deal primarily with amateur sports competition in this country alone.

One of the most basic and serious problems that distorts and dulls our international sports competition image is the fact that the wrong organization, in some cases, holds the international franchise for the United States. In some cases, an organization that is just about dead in the sport holds the franchise and is the governing body for that sport so far as international competition is concerned. Witness track and field, wrestling, and, until recently, basketball, in particular, if you would.

It is my conviction that any amateur sports organization in the United States which cannot show that its members conduct a national viable program in the sport in question should definitely not be permitted to be the governing body for that sport. It should in no way be permitted to dictate decisions as to the planning and conduct of international competition in that sport.

As you know, the governing body of a sport automatically carries with it the majority vote of its representatives on the all-important games of the U.S. Olympic Committee. What a farce it was when in the past Olympiad an organization such as the AAU, which contributes just about nothing to international amateur basketball, automatically had the majority of votes, 25 of the 49, while the NCAA had 8, junior college 1, and the 21,000 high schools had 2. An organization that is practically dead in a sport determined who were to be the coaches, managers, and players for an Olympic team. Incredible!

Is it not reasonable to expect that the organization that contributes the overwhelming majority in terms of players, coaches, facilities, finances, and leadership in a sport should be the country's international representative in that sport?

The basic issue here before you, as I see it gentlemen, is that the voice and vote must be commensurate with the responsibility and contribution that an organization makes in that sport. I am confident you would agree that this basic assumption must prevail. However, in reality, such is not the case.

Improper representation is one of the most self-defeating factors towards enhancing the image of the United States in international competition and represents the cancerous situation that exists in the U.S. Olympic Committee.

The voting structure of the U.S. Olympic Committee is based upon the organizations holding the international franchise. When incompetency exists with the governing body of a sport it spills over to

inefficiency of the U.S. Olympic Committee. Therefore, the U.S. Olympic Committee must clean its house and reform its structure. But unfortunately, this will not occur voluntarily within the U.S. Olympic Committee, because those in control, regardless of how unjust and undeserving it may be, refuse to yield to viable programs because of their own self-serving interests.

The name of the U.S. Olympic Committee game is, deals, to protect the inefficient and inert as tradeoffs for choice plums, free junkets, and officerships. Reform from within is an impossibility; hence, my strong feeling that Federal legislation is a must so far as international competition is concerned.

Let's return to basketball if I may, gentlemen. I submit to you for the record, with your permission, Mr. Tunney, my presentation at the World Congress of Basketball at the Munich Olympic games.

Senator TUNNEY. It will be included in the record.

[The statement follows:]

PRESENTATION BEFORE WORLD CONGRESS, AUGUST 24, 1972

(By Dr. Edward S. Steitz, President, Basketball Federation U.S.A.)

Mr. President and Members of the Congress, the issue before us is simply that of a voice and vote commensurate with the responsibility and contribution that an organization makes in the sport of basketball. Is it not reasonable to assume that the organization that contributes the overwhelming majority in terms of players, coaches, facilities, finances, leadership, and technical knowledge should be that country's representative in FIBA???? I am sure that you would agree.

The Basketball Federation of the U.S.A. is the largest amateur body in the U.S.A. and has only one interest—BASKETBALL. It does not attempt to administer competition in several sports thus dividing its interest and thereby weakening its effectiveness. The Basketball Federation conforms to FIBA's constitution which indicates that the governing body or national federation must concern itself with one sport and only one sport—and, of course, that sport must be basketball.

The purpose of BFUSA is to coordinate the efforts of all amateur basketball interests in the U.S.A. and to promote basketball throughout the world by encouraging international competition and other worthwhile exchanges. It is the only U.S.A. organization which can provide the variety of quality and quantity of competition and the leadership requested by basketball leaders of other countries.

The leadership of the *Basketball Federation of the U.S.A.* is composed of some of the most prominent and learned men in the field of basketball. The BFUSA represents over 85% of the highly organized amateur competitive basketball played in the U.S.A. with over 100 different organizations represented. It now represents every segment of basketball throughout its present membership. Some of them include the:

(1) NCAA with over 710 universities and colleges including every major university. This organization has 2,000 highly competitive teams, 4,000 coaches, 4,000 referees, and 20,000 intramural teams. Eleven of 12 of the U.S.A. Olympic Basketball Teams come from the BFUSA universities or colleges.

(2) The National Federation of State High School (14-18 year olds) represents over 21,000 high schools with some 60,000 well organized and highly competitive teams, 120,000 coaches, 96,000 referees and 700,000 competitive intramural teams.

(3) The National Junior Colleges (18-21 year olds) represent 513 institutions with 900 teams of international competitive calibre, 180 coaches, 140 referees.

(4) National Basketball Coaches Association (3 are here *now*) includes 1300 coaches, many of whom you gentlemen know because they have visited and lectured in your country.

Other organizations include the YMCA, National Amateur Basketball Association—they conduct a national tournament yearly for out-of-school com-

petition (400 club teams in this category), Women's Basketball Association of America, National Trainers (Sports Medicine) Association with 277 of our nation's most famous authorities in this field. In total, we have in BFUSA 64,900 highly organized teams, 20,900 coaches, 106,000 referees, and 768,000 competitive intramural teams.

The BFUSA has demonstrated its interest in international competition by providing more opportunities for international play in history of the U.S.A.

From 1970 until now, BFUSA teams have played 1479 international games—2 out of 3 abroad.

All of the previously mentioned competition has been solely under the sanction of the Basketball Federation of U.S.A. In fact, the BFUSA membership has committed itself to the proposition that none of its members will compete internationally under any other sanction than that of the B.B. Federation—both now and in the future.

The BFUSA is promoting basketball throughout the world by providing basketball literature, films and by the contributions of its trained leadership in conducting clinics, demonstrations and consulting services in techniques of play and officiating.

Plans are now being formulated whereby in the immediate future the BFUSA membership will offer to promote and sponsor international competition which will provide more than 150 BFUSA teams the opportunity to enjoy competition against teams from over 50 countries. No other United States organization has demonstrated that it has the resources or personnel available to organize such a significant program of international competition and exchange.

The Basketball Federation has been affiliated with the International Basketball Board (IBB) which, as you know, was recommended by FIBA in 1969, and we entered into this temporary organization with the assurance and understanding that the IBB would submit a report at the time of the IX World Congress in Munich regarding which organization of the United States should be the U.S.A. representative in FIBA. It was understood that the report of the chairman would be decisive in resolving the problem.

Gentlemen, Mr. Carnevale, President of IBB, has indicated to you that the majority voted in favor of the Basketball Federation to the U.S.A. representative in FIBA. His report indicates that the organization which represents over 85% of the players, coaches, officials, facilities, and finances be granted its rightful voice and vote equal to that contribution to basketball.

For 12 years FIBA has attempted to find a "magic" solution to the basketball problem in the U.S.A. The only workable solution is obvious—act in accordance with the findings of the IBB's and President Carnevale's report.

We entered into the IBB in good faith, that President Carnevale's report would be binding. If FIBA desires to involve the U.S.A. in international basketball in the sizable and quality manner it should involve itself, it must recognize the organization that truly represents basketball in the U.S.—the Basketball Federation of the United States of America.

Thank you gentlemen.

Mr. STEITZ. The data demonstrates that the Basketball Federation represents over 85 percent of the highly organized amateur competitive basketball played in the United States with over 100 different organizations represented.

The document spells out in detail that it has 64,900 organized teams, 20,900 coaches, 106,000 referees, and that it sanctioned, just since 1940 to now, 1,479 international games.

Contrast this contribution with that of the AAU, which was the basketball governing body or franchise holder for the Olympic games. It demonstrates the ludicrous situation of the wrong organization being the governing body for international competition in basketball in particular.

I would doubt if any member of this committee could name an AAU basketball team which employs at least one fulltime coach, has a regular playing site, and plays a regular schedule. The analogous situation exists in the sports of track and field and wrestling. The

AAU does not have a meaningful program of its own in these sports, and yet is the governing body for international competition.

I suggest that a track and field commission, a commission for basketball, and a commission for wrestling be chartered by Congress to serve as boards of approval for international competition in which the national teams of two or more nations are involved. A commission has worked in gymnastics where we previously had serious problems.

Another basic problem of amateur sports international competition is housed in the U.S. Olympic Committee structure, as I indicated previously. The U.S. Olympic Committee must be restructured so that it is truly national with support at the local level, free from the control of self-interested athletic organizations and that active amateur athletics will have a truly significant place on the Olympic Committee with a major voice in setting its policies.

Speaking of needed reform in amateur sports on the international level, I believe that S. 1580 introduced by Senator Pearson addresses itself to the fundamental problem and represents an excellent approach in resolving the problem. The approach is a direct way of reforming the sports organizations in the United States which would truly represent this country.

It embodies the fact that a designated representative sports organization would be the sanctioning body for that sport. I would hope that these designated sport associations would be responsible for international competition primarily, the basic problem, and not include all competition in the United States.

The bill introduced by Senator Pearson would attack the problem of national governing bodies and their needed reform. There would be a "trickle up" effect where it would accomplish a reform of at least the membership in the U.S. Olympic Committee and with that reform one could anticipate the absolutely needed reform of the U.S. Olympic Committee.

S. 1580 also addresses itself to the very desirable and much needed legislation of prohibiting any sports association from holding more than one charter. Legislation fashioned along this line would do much to eliminate power-bloc voting that exists in the U.S. Olympic Committee at the present time. It would do much to enhance the efficiency and status of each sport by having no more than one charter to an organization.

The present situation of the AAU holding the charter for nine different sports is self-defeating to the best interests of the United States in international amateur sports competition. As I pointed out earlier, it also compounds itself in weakening our Olympic effort.

Another fine approach to attacking the basic problem of international competition along with that of the bill introduced by Senator Pearson is legislation introduced by Senator Tunney in S. 1018. The legislation would create a national commission to review the question of U.S. participation in the Olympic Games and to evaluate the formulate accommodations concerning such participation. Legislation of this nature is a must and highly desirable.

Gentlemen, the U.S. Olympic Committee has demonstrated to me it will not voluntarily provide the striking reforms that are absolutely needed. Therefore, I see the wisdom and necessity of such legislation.

I don't have to remind this committee that the U.S. Olympic Committee was chartered by Congress in 1950 under Public Law 805.

The intent of the Congress granting that charter was to provide an organization which could efficiently and effectively field the best possible representation for the United States in Olympic competition. Our present Olympic Committee does not meet these criteria.

The present U.S. Olympic Committee structure and operation does not, in my opinion, speak to efficiency or for the maximum production of our great potential in international competition. Therefore I wholeheartedly support the legislation introduced by Senator Tunney under S. 1018.

Although I am not an attorney, it would appear to me that the basic principles embodied in the bills introduced by Senators Pearson and Tunney could in combination attack and resolve the serious problem of amateur sports on the international level.

In conclusion it is my belief that the two basic problems are: (1) The international franchise holders in amateur sports and (2) the U.S. Olympic Committee can best be resolved by tailoring legislation to meet the needs of absolutely necessary reform, and to stray too far from the basic problem is not the answer. This, in effect, is why I am strongly supportive of the basic goals as indicated in the legislation embodied in S. 1018 introduced by Senator Tunney and S. 1580 introduced by Senator Pearson.

Thank you, gentlemen, for permitting me to appear before you to present the point of view of the overwhelming majority of amateur basketball interests.

Senator TUNNEY. Thank you very much, Mr. Steitz.

I wonder if you could comment on the proposal by Senator Gravel and Senator Thurmond to establish a sports development foundation.

Mr. STEITZ. Yes, sir. As I understand the legislation, it hopes by granting or withholding funds from various organizations that they would thereby persuade the organization to enter into some sort of voluntary agreement and not be fighting each other.

Doling out moneys to existing organizations, some of which are pathetically weak at best to be sure, would only cement things in place rather than actually make affirmative changes and needed reform.

I suggest that reform and built-in authority to do just that take place before doling out any moneys to any organization.

Senator TUNNEY. I was interested in your statement that voluntary reform is impossible with the USOC. You were on the board of directors of the USOC for some time. Can you tell us how, for instance, the proposed reforms by the Arthur D. Little Co. were treated by the committee?

Mr. STEITZ. Yes, Senator. I would be happy to. I was on the board of directors and spoke in support of adopting the research that was done by a nonbiased organization to the tune of over \$150,000. I guess when you figure other expenses it came close to \$180,000.

And I can hear the impassioned plea of Bill Reed, Commissioner of the Big 10, when he said, "We have doled out this money. We have all this research. They have good things going. It demands reform. Let's adopt it." But those reforms were quietly put in the closet, and nothing was done about it to speak of.

Some minor things were handled, but the basic reforms of voting structure and other things, "that's going to rock the boat, that's going to distort the status quo. We can't have that. Therefore, we have got to protect each other. Let's not go too far with this. Thank the Arthur D. Little Co., but we'll file the report."

I was there. And I spoke in support of the research although I didn't agree with all the findings, but I felt that if this was an outside organization whose intent was to reform through research, we should go along with it.

There were other reforms over the past 8 years that could have taken place that would have helped our Olympic efforts—so many that if you want me to go into detail—

Senator TUNNEY. Well, no, I just want to get the general feeling. We don't have time, unless you want to supplement your statement.

Mr. SREITZ. Right.

Senator TUNNEY. But I am interested by the prospect that if we do not do something serious to guarantee that reforms take place, such as through the appointment of a commission to investigate and report to Congress, we might very well move into the next Olympic games with a structure essentially the same and with the decisions being made in the same way with the same pernicious impact on the athletes.

Mr. SREITZ. I couldn't agree with you more, Senator. We have a great potential. For us to come in second, third, fourth behind some of the competitors we were involved with in the Olympic games is ridiculous. We don't have our best athletes there. We are not doing the most we can with what we have because of the situation.

And I maintain that unless we get this thing jacked up we are going to actually—that the gap is going to increase. The rest of the world is coming up. We can no longer send third-, fourth-rated teams to the Olympic games or even abroad to represent us.

And unless we really pull in our belt and say we have just got to do something about it, we are going to go down the drain in terms of being just mediocre in some areas, because unless we pool our resources and have the decisions made by the experts in that particular sport so that we get the maximum from that sport and also that it manifests itself in the voting structure of the U.S. Olympic Committee itself, we're in troubles. We're in troubles because we will not be putting what I think is our maximum effort into what we really can put forth.

Senator TUNNEY. May I ask you this. Could you just tell us what the Sulger amendment and the Greenbrier amendment are?

Mr. SREITZ. Yes, sir. The Sulger amendment is another self-defeating situation whereby the international franchise holder or the governing body automatically has the majority vote on that games committee.

Under the Sulger amendment it would mean that for the Munich games on the basketball committee the AAU had 25 of the 49 votes automatically. Automatically. Some of us contended that what is the sense of the rest of us, now AAU, going to a games committee, because they, the AAU, are going to determine who the players will be, who the coaches will be, who the officials will be. They will

determine the policies on trials, who we bring in to the trials and who we don't bring in.

Now, I maintain that the national viable programs, those that are really involved, should all be represented and not just because you happen to have since 1936 the franchise handed you by the International Federation that this thing perpetuates itself and they automatically have majority vote.

The same things exist in track and field, Senator Tunney. AAU has 23 of the 45 votes automatically before you go into a meeting.

This is the Sulger amendment.

Senator TUNNEY. When was that amendment adopted?

Mr. STEITZ. I can still hear Bill Reed pleading to not put in this self-defeating amendment. It was prior to the Mexican games. I don't recall the exact date, Mr. Tunney. I'd be very happy to send you the exact date.

Senator TUNNEY. That is an amendment to the charter?

Mr. STEITZ. That's right, whereby it is stated that this must prevail in the Olympic games committees, the very important games committees, sir.

Senator TUNNEY. What is the Greenbrier amendment?

Mr. STEITZ. The Greenbrier amendment was an amendment that was passed against my personal objection. I rose to the floor and said, "This is out of order." They had changed that so for a governing body to come in to be a member of the U.S. Olympic Committee or to become a governing body it must have two-thirds vote, two-thirds if you will, Senator, of the board of directors. I objected to the counsel's ruling on it in light of the fact of the two-thirds was not distributed 30 days in advance to the membership as consideration for an amendment.

Since then I heard it has been passed to be a majority vote.

But the Greenbrier amendment means that the U.S. Olympic Committee will tell the sports body who will be the governing body. Now, if I may.—

Senator TUNNEY. I would just like to make sure I understand that.

Mr. STEITZ. Surely.

Senator TUNNEY. You mean it tells the AAU whether it is the governing body?

Mr. STEITZ. Yes. Or the Basketball Federation or the new federation or the new Track and Field Federation whether you can be the governing body or the international franchise holder in that sport.

Now, this is something that was put in, Mr. Tunney, and I know there are some will tell you, "Well, the international people say you have to do it this way." This is not the truth. I spoke with Mr. Jones Mr. E. William Jones, on basketball, and he said, "We, the international basketball body, will determine who is the representative in F.I.B.A. from each country."

He said, in effect, in Springfield, Mass., and I was there with some other people:

We can tell the U.S. Olympic Committee to go to hell. All we're concerned with is to have the national viable program, the organization that has the clout and has the resources and willing workers with the expertise to be the national governing body in each sport.

Senator TUNNEY. It requires two-thirds of the votes in the board of directors?

Mr. STEITZ. No longer. It has been repealed by the U.S. Olympic Committee after protest. It was brought in—It now is simply majority.

Senator TUNNEY. By the Olympic Committee?

Mr. STEITZ. By the Olympic Committee, sir.

Senator TUNNEY. Senator Beall.

Senator BEALL. Mr. Steitz, how often does the board of directors of the Olympic Committee meet?

Mr. STEITZ. I would say that we met last year prior to the Munich games. We probably met six times that I recall. I was on the executive committee, and we met once hastily for 15 minutes.

Senator BEALL. You met once?

Mr. STEITZ. Once.

Senator BEALL. Who runs—

Mr. STEITZ. In the key year before the Munich games. I'm talking about the executive committee itself.

Senator BEALL. Who runs the thing when the executive committee doesn't meet? Who makes the decision?

Mr. STEITZ. The officers basically.

Senator BEALL. How often at the executive committee meetings or directors' meetings are reforms discussed?

Mr. STEITZ. Not very often, Senator. Not very often. "Don't rock the boat. Don't rock the boat. You take care of me, I'll take care of you."

Senator BEALL. From your service on the board of directors, is it your impression there is adequate financing of the Olympic Committee?

Mr. STEITZ. Mr. Senator, I think the \$10 million or close to it that the United States public raised under fine leadership by the fund raisers was ample to get the job done for us in an excellent manner. There is no question in my mind of that. And I think in the future—the United States public appreciates the Olympic movement as all of us do. I can think of nothing that I'd want to be involved with more than the Olympic movement. But I maintain that the public, private enterprise, et cetera, will support it, and it has demonstrated it will.

And if those moneys are used efficiently and along with the governing bodies doing their job of raising moneys for their support, which they can and must if they are a national, viable organization, sir, rather than being parasitic, the money will be there.

Sure, everyone can use more money. But our showing in Munich in my opinion was not as a result of not having enough money.

Senator BEALL. Was the money that was raised, spent judiciously?

Mr. STEITZ. I don't know all the details of how the money was spent, sir. It wasn't until I asked for an annual financial report and budget that we had ever received one previously. I can't comment whether—I think it could have been spent a little better, and I think the effort of the international franchises could have been in more efficient position than we did.

Senator BEALL. Is it your position there isn't the kind of public accountability for the money that is raised and spent that there should be?

Mr. STEITZ. The public gives the money. I think the public should be able to see any financial statements on any operation spent by any sports body. I think that's common courtesy. That's my opinion, not being an attorney. It's legal. It must be.

Senator BEALL. Thank you very much.

Mr. STEITZ. Thank you.

Senator TUNNEY. Thank you, Senator Beall.

Mr. Steitz, you have been most helpful, and I must say that your choice of words apart from the fact that they are colorful is compelling. Thank you.

Mr. STEITZ. Not being an attorney, I just say it as it is, Mr. Senator.

Senator TUNNEY. Thank you very much.

Our next witness is Mr. Howard Cosell, ABC sports.

STATEMENT OF HOWARD COSELL, ABC SPORTS

Mr. COSELL. At the outset I should like to apologize for being late. I think I was being directed here by one of our Olympic track coaches.

The fact is, Senator, that through the glory of Eastern Airlines we were in a holding pattern for 1 hour and finally landed at Friendship Airport. Post-haste I came over here, breathlessly, to render this glorious testimony.

Senator BEALL. Being from Maryland, I am very happy you were able to see Friendship and land there today.

Mr. COSELL. On a clear day you can even see the Colts for reference.

But first I wanted to testify before this committee. I have been before the Senate Commerce Subcommittee—

Senator TUNNEY. Could you move that microphone a little closer to you? Nobody can hear.

Thanks so much.

Mr. COSELL. I am very honored to be here and privileged to testify. I have been here similarly just about a year ago on a single bill that had been proposed by Senator Marlow Cook of Kentucky relating to professional sports at the time.

At the outset again I should like to emphasize that I speak for myself only, not for the American Broadcasting Co., but at the same time on behalf of my colleagues who were on the announcing team for the 20th Olympiad and for the 19th Olympiad, the one at Mexico City, we want to express our appreciation to this committee and indeed to the full body of the Senate for its now evident awareness of the problems attendant upon the amateur athletic structure as it exists in this Nation today, and embracing, of course, the U.S. Olympic Committee, Amateur Athletic Union, and the National Collegiate Athletic Association.

I know that your awareness, intimate as it is, at this moment stems from the very many mishaps that beset our Olympic effort in the games at West Germany as well as from the tensions that arose during the recent visits of the Soviet basketball and track and field events and the problems connected therewith, said problems being the serious question of whether or not some of our finest inter-collegiate athletes would be unable to compete in their respective sports against the Soviet athletes.

As a result of that awareness and because I myself have been party to the coverage of the two most recent Olympiads, and because it was my destiny, and the genius of the president of ABC Sports to assign me to all of the controversial matters, I think I have some considerable and incisive experience upon which to predicate my own testimony.

By the way, my prepared statement, which I never really had, is locked in a bag somewhere in Friendship Airport.

I am aware of the fact that you have heard such as Donna de Varona and Suzy Chaffee and Willie Davenport and Mr. Phillip Krumm, president of the U.S. Olympic Committee, and Harold Connolly, the erstwhile hammer thrower, so I know that you are familiar with the difficulties as presented by the athletes that they have faced in past participations as members of our Olympic effort.

But even at the risk of redundancy, I should like to reemphasize some of the things that happened at the 20th Olympiad:

When a teenager from California wins a gold medal and is subsequently ordered to relinquish it and is subsequently debarred from participating in the very event where he most excelled because the U.S. Olympic Committee doctor fails to report in due fashion to the International Olympic Committee that the youngster is an asthmatic and under due prescription takes amphetamine treatment for it about which there is absolutely nothing undue, when this happens with the resultant heartbreak to the youngster and his family, there can be no possible excuse for it.

When two youngsters, both out of the American ghetto, spend a decade and more of their respective lives preparing for the one great opportunity and the one great challenge to prove that either one of them is indeed the world's fastest human and they don't even get to the starting blocks, the resultant heartbreak is inexcusable.

This is particularly true when one notes that 217 nations competed in the 20th Olympiad, and the only occasion where a starting time was missed was the one involving the United States of America in the 100-meter quarter-final heats.

When two American athletes manifest a disrespect for the national anthem and possibly the flag, it is a disconsolate thing to witness, but under the American system and under the duties of the U.S. Olympic Committee the matter should be put to an immediate hearing under due process as we know it by the U.S. Olympic Committee and not made the subject of a matter for the International Olympic Committee which takes action against the young Americans.

I was interested in Mr. Steitz's saying as I entered the hearing room that Bill Jones, the head of the Federation of International Basketball Associations, told them that he and that organization could tell the U.S. Olympic Committee to go to hell. Well, he did exactly that, and I was there.

But I want to know when the American-Russian basketball debacle took place why no member of the U.S. Olympic Committee was there to argue the case on the scene? The Russians were there. Mr. Jones was there.

Now I'll tell you who was there to represent the United States because they were so put out by the chain and flow of events. Film producer Bobby Wober and television packager David Gurber, whose major effort has been "Nanny and the Professor." That's who was there fighting for the United States.

When five young American collegiate basketball players such as Jack Langer and Andy Hill and Jim Azoff, respectively, of Yale and UCLA and Cincinnati, are deprived of a lifelong opportunity to participate in one of the most respected international competitions, the Macabiah games, the deprivation is intolerable and inexcusable. That deprivation resulted, of course, from the NCAA/AAU feud which almost incredibly has lasted longer than this Nation's involvement in Vietnam and has thwarted the best efforts of the late Gen. Douglas MacArthur and the best efforts of the man who in my opinion is the finest labor mediator in these United States, Teddy Kheel, out of the Cornell University School of Law, who expended 18 months of his life on the effort.

When the Nation's leading indoor high jumper, Chris Dunn, of Colgate, did not go against the Soviet leapers at Richmond, Va., because of this unending, senseless and intolerable hassle, the deprivation is intolerable and senseless.

When one of our great athletes has the courage outspokenly at the 20th Olympiad—I refer to shotputter George Woods—and I speak from personal knowledge and experience because I did the interview—when he has got the guts to speak out and say there aren't two American track and field coaches that he respects, and when I know from my own personal experience that more than 40 other track and field athletes have spoken to me off the record in the same vein. I know that something is wrong in the whole context of our Olympic track and field leadership.

So that is part of my personal background, and that leads us to the four bills currently under consideration by this committee: The bill proposed by you, Senator Tunney, that would establish a National Olympic Commission; the bill proposed by Senator Pearson of Kansas that would establish the Amateur Sports Association Board; the bill proposed by Senator Marlow Cook of Kentucky that would establish a Federal Amateur Sports Commission; and, of course, the bill proposed by Senator Gravel and Senator Thurmond relative to a National Development Sports Foundation.

To me it is a delight to know there are four such bills before you, because they are all well aimed, and most particularly because finally we can get away once and for all from the old bugaboo that I have faced in every appearance down here, including one before the House with Congressman O'Hara and my old friend Congressman Jack Kemp, who fortunately can do better service where he is than he could ever do on the gridiron, and, of course, Congressman Peter Peyser of Westchester County, N.Y.

That bugaboo is: Let the market place clean itself. That bugaboo is: Let's not have Government control.

Well, in theory, Senator Tunney, Senator Beall, as you know, nobody wants Government interference in any area of the American free enterprise life and perhaps most particularly in what has been

created as the wonderland of life, American sport. Nobody wants this in theory. But in fact it has become absolutely necessary to have Government intervention and some form of supervision in this area because if the parties are all left to themselves they will always be where we have found them. And as I said in an earlier testimony, very squarely, we have found them in the gutter.

Why? Because the very people whose interests must be served and furthered, the athletes, are being denied. The ones who should thrive are being frustrated. And this can't go on. Because it reflects ultimately in our Olympic effort and because it recognizes the individual injustices upon the young people to which I have already alluded.

Now, with regard to the four proposed bills, I have my own view, and I favor as the only continuing means of hitting all of the problems of the long-range plan for the development of the facilities necessary so that Mr. Fred Thompson who worked the 20th Olympiad with me and who will be testifying before you later on his coaching of the Atoms Track Club and those great young women won't have to see them seek to stop with immediacy when it's impossible under the momentum attained to avoid running into a wall, that some of our young athletes won't have to climb fences to get to a place to practice track, so that we can have a sufficiency of ice skating rinks to develop our great skaters, and all up and down the line in our Olympic endeavor in all of the 21 events.

But—and I emphasize the but—the development of those facilities is only part of our problem. Mr. Steitz was correct when he said an absence of money was not by itself the cause of our Olympic failures. The cause of our Olympic failures is far more deep-rooted. It's lodged in the structure of the U.S. Olympic Committee with its dominance by a group of men who along with Avery Brundage should have comported themselves in the age of William of Orange, not in the 20th century.

And the way must be found to restructure that committee to at the very least provide a balanced equation between the young people on the committee and the elder statesmen who cling grimly to the past.

This must be accomplished if we are ever to have a serviceable U.S. Olympic committee.

And it will not be accomplished from within.

Frankly, I am very fond of Mr. Phillip Krumm. I think he is an extremely well motivated man, a man of personal distinction. I think he is well aware of the fact that changes are necessary. But he is not by himself equipped to make those changes nor do I think he is modern, contemporary, youthful enough to effect the kind of sweeping changes that are under the circumstances utterly essential, and I consider the recent inroads to which he so joyously alludes, the election of such as Suzy Chaffee to the Olympic Executive Board, or whatever, only a token representation, a far cry from that which is necessary.

So I think to restructure that committee, to put a permanent termination to the unending hassle between AAU and NCAA, to have some system whereby we can have assurance of the expenditure of funds in the long-term developmental program that Senator Gravel

is so deeply and properly concerned with, I believe that the overall umbrella is best provided by a Federal amateur sports commission as proposed by Senator Marlow Cook.

I have spent a solid year with this problem with all of the parties concerned.

Senator Tunney, I appreciate your motivation with respect to your bill especially. Any human being of intelligence and sensitivity who was at Munich, West Germany, who went over with the positive sense of enthusiasm, anticipation, exultation that I did, that Jim McKay did, that Keith Jackson did—you see, we had loved the Mexico City Olympics. It was an Olympics with a heart. The Mexicans were largely responsible for that. This was an Olympics with a computer.

Nobody could have anticipated the tragedy of September 5, the Israeli building and all the rest. Nobody. And the West Germans in my opinion couldn't have worked harder to provide a great Olympics.

But we are now limiting ourselves to a discussion of the American things and the American mishaps in terms of our Olympics effort. And in those terms one has to wonder about the future of the Olympics, Senator, and that's why I am so deeply appreciative of the bill you have offered, Senator, because I left Munich, West Germany—and I was even glad to see the U.S. Customs officials—I left there with all of the gut feelings any man with background and intelligence would have. Have the games become a mere political mechanism to be used by whoever would make them so in an international forum, whether Southern Rhodesia, whether black athletes, whether Arab desperados.

Is it right any longer to spend over \$600 million for 2 weeks of fun and games, to construct facilities, whether the West Germans or the Americans or whomever, in the light of the more demanding needs and priorities and all of the rest of our societies, domestic and international?

You have to think about these things.

What about the International Olympic Committee with its ability to step in and censure American athletes regardless of the condonation or lack of condonation of what they have done? This is stripping us of our own due process.

And what about our own unending failures?

You have to think about these things. So naturally, your bill is a bill of great importance, great significance.

But I see your bill and the kind of inquiry that you wanted made of the Olympic committee and Senator Gravel's bill all embodied in the bill that will create a continuing, long-term Federal amateur sports commission to attack each and every problem in the various divisions to be created within that commission. Only that way can we be assured that the AAU and the NCAA won't go on forever. Only that way can we be sure that the U.S. Olympic Committee can be restructured.

Now, as Mr. Krumm set forth the Olympic Committee's organization to you yesterday, he described it in such a manner that we are so circumscribed by the strictures, the rigid strictures, if you will, of the whole Olympic organization that it is impossible to change. He

doubtless, though I haven't read his testimony, told you about how the Government can't intervene, how once the French Government tried to do it and was estopped by the International Olympic Committee. They would be debarred from participation in the Olympiad.

Times have changed, and that in my opinion in the ultimate is nonsense, hogwash. Nobody is telling the Soviet Union and its satellite countries how to run their operation, and they are intimately involved. Each government in every case.

And, sir, as you know, and as you know, Senator Beall, the U.S. Olympic Committee was created by congressional fiat, no other way, and you have every right as delineated in Senator Cook's proposed bill to amend that legislation and move in. The bugaboo of Federal control should be put to rest for all time.

That is the essential thrust of what I have to say, gentlemen. Thank you for your time and interest.

Senator TUNNEY. Mr. Cosell, first let me say that I am awfully glad that your written statement is still at the airport, because nothing could be better than the statement that you have made extempore. And I feel that it is cogent in the extreme.

I am interested in your statement with respect to Senator Cook's legislation as it relates to the Olympics. I have not yet made up my mind with respect to Senator Pearson's bill or Senator Cook's bill or Senator Gravel's and Senator Thurmond's bill as to which one eventually I will be supportive of or whether we will have to re-draft one or the other and combine the best features of the individual bills into a clean bill. So on that side I am of an open mind.

I do think, however, amateur sports in our country have to be reformed and there has to be a restructuring. With respect, however, to the Olympic games, time marches on, and if we don't have a reform on the U.S. Olympic Committee soon, this year, it may be too late for the next Olympic games, and it's possible that if we have another fiasco in the next Olympic games like we did in the last that we will not have Olympic games in the future.

I mean that is something which is of very deep concern to me.

So the question is whether or not we should have a bill go through quickly to establish a commission to evaluate the U.S. Olympic Committee, to make recommendations in time to restructure that committee prior to the next Olympic games, and that would be a one-shot deal.

Thereafter, whatever committee or commission we set up to monitor amateur sports in this country and to supervise them would have the responsibility on an ongoing basis for making sure the American Olympic Committee was responsive to the needs of the athletes and was constantly performing itself.

Don't you feel that we just can't wait to have this reform of the American Olympic Committee?

Mr. COSELL. Sir, I feel the more quickly we have a reform of the Olympic Committee the better it will be for all concerned. And if that is the total context of your bill, which as I said earlier I am very sensitive to—it's very thoughtful—I am all for it. My position, however, is that it cannot stop there—

Senator TUNNEY. No.

Mr. COSELL [continuing]. And that would be my fear, that it would. My position with Senator Gravel's bill is this is a marvelous

program but that is only part of the problem. The long-range development of training facilities, and so on, is only a part of the problem. That won't change the Olympic Committee, nor will it resolve that other hassle on the side, the AAU and the NCAA.

My problem with Senator Pearson's bill, a very understandable bill and very well intentioned—as you know, Senator Pearson's bill is one aimed at setting up the different bodies to be enfranchised so that they can sanction competitive events in their respective sports. Now, my problem personally with that bill is I don't think it takes total control away from the NCAA. I think it leaves most of those bodies under the control of the NCAA. So I'm not crazy about that notion.

And it's only in Senator Cook's bill that I find the umbrella that is needed for all avenues of attack, long term and immediate.

Now, how is your bill more immediate, Senator, in what it could accomplish in terms of our restructuring of the Olympic Committee than Senator Cook's bill?

Senator TUNNEY. Well, in the first place, it bites off a much smaller mouthful of the load.

Mr. COSELL. You are then saying political expediency to get it through the Senate and the House?

Senator TUNNEY. Well, I think that as far as political expediency is concerned it will move much more quickly and that's certainly one reason for it.

I think that inasmuch as we have three interesting overall approaches to the problem of reforming amateur athletics, Senator Pearson's bill, Senator Cook's bill, and Senator Gravel's bill, that obviously there is going to have to be some accommodation between the sponsors of the legislation, and the committee will attempt to work out a final product which is going to be acceptable to the various sponsors of the bills as well as to other Senators.

And while I think we can do it, I think it is going to take some time, and I think this bill calling for a study of the American Olympic Committee can move very quickly because I don't think there is any substantial disagreement with that concept. It is a much more limited piece of legislation, much more limited in scope.

Mr. COSELL. Let's assume your bill is the one that goes to the floor, that your bill is passed, that it is enacted into law. How long do you presume it will take your Olympic commission to effect a restructuring of the U.S. Olympic Committee?

Senator TUNNEY. Well, we have a timetable. January 1974 will be the date.

Mr. COSELL. January 1974?

Senator TUNNEY. Yes. That is not what it originally was, but we are going to do it because so much time has elapsed—January 1974.

This same bill passed the Senate last year. We couldn't get it through the House. We passed it as an amendment last year to—

Mr. COSELL. You are disposed to believe that the House will now pass it?

Senator TUNNEY. Yes. The reason it was defeated last year was because it was attached to an amendment to the Denver Olympic bill, and that ran like a buzz saw over on the House side, as perhaps it should here.

But, anyway—

Mr. COSELL. The U.S. Olympic Committee has, of course, compiled a remarkably documented record of total ill advisement and inefficiency with regard to winter Olympic sites in the United States.

But, Senator, let's assume your bill were passed by the House at this time as well as the Senate. That would be the commitment of this body to the fuller and more embracing and necessary things to be done for our young athletes who are the ones we are concerned with? And that is I think the nub of everything I have tried to say. It is time these young people were not frustrated any more. They represent our Olympic effort.

Senator TUNNEY. Well the commitment is a personal commitment on my part, certainly a personal commitment of the two Senators sitting today on the committee, and I think a commitment by every member of the Commerce Committee if not every member of the Senate. I don't think there is any question that we must have a basic structural reform of amateur athletics in this country, whether it follows the lines of Senator Pearson's bill, Senator Cook's bill, Senator Gravel's bill, or whether it is a combination of all three. It may very well be a combination of all three when we finally get through.

It's going to take time, but there is a basic commitment to do it on my part, and I have been designated by the chairman of the full committee, Senator Magnuson, to hold these hearings and then to develop a report which will be given to the full committee to pass legislation in this session of Congress, and I am going to do it with Senator Pearson's help and Senator Beall's help and the other Senators' help.

Mr. COSELL. On that basis one can hardly argue against your proposal. It's impossible to. But you have, in effect, said exactly that which I have recommended, Senator, if you were to look back upon your most recent statement, assuming you live up to your commitment, that we have to have an all-embracing bill, and that to me was represented by Senator Cook's bill.

That was all I had to say.

Senator PEARSON. Mr. Cosell, you understand we get caught in conflicting responsibilities up here. Let me just say to you that if the Pearson bill, as you fear, doesn't take it away from the AAU, or NCAA, then I don't think I will be for it either. I got into this in 1965. I have gotten into it in a very parochial way.

Jim Ryun had run the mile for the world's record and we couldn't get it confirmed. Some meet was not sanctioned by the AAU—

Mr. COSELL. Bakersfield, Calif., 3.51.1.

Senator TUNNEY. Here comes Senator Cook.

Senator BEALL. What was the date?

Mr. COSELL. I don't remember the date. But I never ran, Senator.

Senator PEARSON. But in any event, we wrestled with this thing for days and weeks and months and we had Theodore Kheel in on the arbitration.

Mr. COSELL. We started law practice together at 30 Broad Street, Senator.

Senator PEARSON. You would agree he is one of the most capable men. Dealing with the Teamster problem is nothing when compared

with working with the NCAA and the AAU. But then as now I still have a hesitancy about throwing the Federal Government into this amateur athletic institutional structure and I have been searching for ways to keep from doing that. Maybe we can't.

Maybe Senator Cook's proposal is a stronger means of going into the international Olympic proposal and saying here is the total weight and authority of the United States Government to be recognized. But I don't care about that, I concur with all of the things that you have cited today about the idiotic situation where this has been taken away from the athletes, and the students have no way of knowing or saying how they will play these games.

It makes no difference to me which vehicle we adopt. I have told Senator Tunney that I have the same reservation you do. I think there is a sense of urgency involved now such that another commission and another study or another report may take us into a time frame that won't let us go into the next Olympics.

I particularly appreciate your insight that you give us.

Mr. COSELL. Thank you, Senator. I want to say this, that coming down here, obviously, I have read your proposed bill and I am familiar with your long-term interest in the amateur athletics sports structure which goes back to 1965. I perhaps threw away too loosely, my own depth of appreciation for the fact you gentlemen are giving these matters your attention in the manner that you are at this time.

I realize, in the light of the more pressing, perhaps certainly in the full perspective and sweep of the Government today, the more pressing investigations going on elsewhere down here, that this isn't the most propitious time, from your respective points of view, to give this amount of attention to a matter that nonetheless in the long term, I think, gets to the heart of the American society.

Our institutions will survive what is happening over in the other investigation, but the most important thing of all long term is that our young people survive and thrive and prosper in terms of fulfillment of their legitimate aspirations and so I think you are striking at a very important subject, to the heart of this country, in devoting this attention to the problems that we have in amateur athletics.

Speaking again for Jimmy McKay, Chris Schenkel, and every one of us who worked the last two Olympiads, we are ever so deeply grateful to you.

Senator TUNNEY. Senator Cook.

Senator COOK. Thank you, Mr. Chairman.

Mr. Cosell, I apologize. I have been on the House side testifying. One of the things that I remembered to keep in my own mind in relation to Senator Pearson's proposal is that the U.S. Olympic Committee was established in title 36, sections 371 to 383 of the United States Code. That set up the U.S. Olympic Committee.

As a matter of fact, the USOC is the only organization I know of which is established with perpetual successions of the members. If we could get that in the Senate, we would like it but we have to go before constituents every 6 years.

We have people on that committee who were industrialists of great import at the turn of the century and they are still there. They are

there by virtue of the law passed by the Congress. This has a tremendous effect on all athletes throughout the United States, does it not?

Mr. COSELL. Yes; it does.

Senator COOK. Senator Tunney and I could not stay long yesterday because of the Judiciary Committee, but I think it was Donna de Varona who said if she could see this type of athletic ability presented at all levels—and she got emotional about it—that she felt kind of bad that she happened to succeed and other kids who wanted to swim couldn't do so and didn't have that opportunity and so on.

We have seen agencies that started with volunteers, that are now coming to the Congress for a tremendous percentage of their budget. If the athletic program in the United States as a result of amateurism and volunteerism is not doing its job, and giving the ability to the youngster in the street and in the grade school and other schools, the opportunity to pursue a good strong athletic body and mind, then why isn't it our responsibility to do something about it?

Mr. COSELL. Well, that relates to the old Government bugaboo that I attacked. The old bugaboo of no Government interference. It's your responsibility to do it and that is why I assume we have four proposed bills that you are now conducting hearings on.

The Government must intervene to protect the athletes and for that matter to protect the public which has supported the olympics and is entitled to the finest possible olympic effort on the part of all concerned. Those who administratively conduct the program as well as the athletes. To product it with assurity, I see no other way than by—that is why I recommended your bill, Senator, while you were not here.

I find your bill the umbrella bill that most meets the situation. Senator Tunney during your absence pointed out that for the sake of immediacy and with, at least, respect to the structure of the Olympic Committee because he agrees with you as you know as to the adequacies of the existing structure—Senator Tunney points out for the sake of immediacy and political expediency—I don't use that phrase in the cheap sense here—but rather in a necessary sense in terms of the Senator's thinking, the best approach would be to follow his bill because he thinks that can be gotten through the House most quickly as well as the Senate.

Long termwise, Senator, I believe the solution is your bill. I think it is well thought out and you began by saying accurately so that the U.S. Olympic Committee was instituted by congressional statute. That is quite correct, and there is no reason why on the same basis you cannot have amending legislation relating to those statutes to once and for all take care of the committee.

Senator Tunney, of course, knows much better than I how much more quickly his bill could be gotten through than your bill. But I support everything you have said.

Senator COOK. What amazes me is that when I first introduced the bill, the head of the U.S. Olympic Committee said we couldn't do anything because there could be no Government interference, and he didn't seem to know that his position was created by an act of the U.S. Congress.

Mr. COSELL. I think I made that clear in my testimony using the adjectives "nonsense" and "hogwash." Mr. Krumm's picturization of

the organizational structure of the whole international Olympic effort would leave us so hopelessly circumscribed that we would all have to die along with the present Olympic Committee and no change would be made.

Even in baseball they manage to change the rules after 100 years that allows the fielder to pick up his glove and take it to the dugout. But nothing could change the Olympic structure.

Senator Cook. Mr. Cosell, in reading the testimony yesterday and I again am sorry that we were not here because I would loved to have asked questions. The point was made that the trials in the field events for the Olympics were held in Eugene, Oreg. I don't know why in the world someone would pick that distant site—with all due respects to the State of Oregon—because the United States does have a center and it is easier to get to so many other places.

Mr. COSELL. It is interesting that some of your kids had to pay their own way and/or hitchhike there to participate.

Senator Cook. I was amazed in reading the record last night but the Olympic Committee made money on the affair, and yet those who wanted to compete had to pay their way out there, and the University of Oregon charged \$60,000 to have it there.

I am wondering if we had a situation under the Gravel-Thurmond bill where we could build centers, and you wouldn't have to pay anybody to conduct tryouts for the Olympics.

Mr. COSELL. I don't think you should pay anybody.

Senator Cook. I was amazed in reading the record that the University charged the Olympic Committee \$60,000 to conduct it out there and yet the athletes had to pay their way to get there.

Mr. COSELL. It is an unconscionable situation, one described quite accurately so by some of the young people yesterday and I think we have touched upon it here today while you were out, sir.

Senator Cook. You were involved in the entire Olympic thing in Europe this year. Some of the athletes said yesterday that athletes, not this year, but the last Olympics had to fly in propjet aircraft while the members of the committee flew in jets.

In your coverage of the entire Olympic matters, can you give me an idea of the accommodations the athletes and the members of the committee had?

Mr. COSELL. You mean during the olympiads themselves?

Senator Cook. Yes.

Mr. COSELL. The athletes who represent us were quartered in Olympic Village which in general is like a co-op city in the Bronx for example, such as that. They are quickly constructed apartment-like facilities, small rooms, destined in theory to later be converted into cooperative apartments and that has not worked in Mexico, of course. So far it has not worked in Munich which relates to another thing, the question of expenditure of those multimillions for a 2-week plan since the ultimate plans do not work out with regard to the facilities constructed.

I do not think that—first the Olympic officials have much better quarters than the kids in the village but under the circumstances of an olympiad where you have literally thousands of athletes from all over the world, I know of no other way to quarter them and I think those facilities are most adequate.

Let me tell you something, Senator Cook, the great thing about the Olympics for me is not the competition. If I could make an argument for the long term endurance of the Olympiads, I would make that argument by way of the Olympic Village. You would have to be there to get a feeling, to see a Bob Beeman exchange clothes with a Kenyan, and exchange musical instruments and see the others come around; Harold Connally who testified yesterday; Bill Toomey, one of the extraordinary young people I have ever known in my life.

To see the kind of feeling you get. You get a sense of where it is at, what every one of you legislators strives for within the United States and within our international affairs, harmony, peace, good will, understanding. All of the great words that have now become great cliches but you find it in practice or at least I have in only one place and that is the Olympic Village.

That is the most compelling argument I could make for endurance of the Olympics despite all other things. Specifically your question about facilities in the Village, I really think under the circumstances they are most adequate. But do the Olympic officials live better? Yes, they always do.

Do they travel better? Yes, they always do.

Senator Cook. By way of slight degree of criticism, if you don't mind, some of the athletes said yesterday that because of the extensive and tremendous coverage of the Olympics by television and all the space that was necessary for all of your facilities that many of the athletes did not get to view many of the events because the tickets and the space that really had been available to them apparently was given to the networks by the officials. So they didn't really have any opportunity to see some of the things they wanted to see.

Mr. COSELL. That is quite possibly true, to a degree. I can understand their feeling. On the other hand, what we did for the people of our country is now a documented matter and we were suitably rewarded for our effort this last Sunday night.

Senator Cook. I saw that, by the way, and I want to congratulate you. Really, if I had not fallen asleep in the last 5 minutes, I would have sent you a wire to New York and told you. I thought it was a remarkable thing.

Mr. COSELL. Thank you, Senator.

Senator Cook. Let's get serious, and Mr. Chairman, I have just a couple more questions here, are you saying that if we can break this bureaucracy—and that is an odd thing for us to be saying—but if we could break this bureaucracy we can give to the Olympics what the competitors really believe it is and not apparently what the Olympic Committee makes it in the eyes of the American people?

Mr. COSELL. Yes, sir: I am saying exactly that. I am not saying that I know of a way to prevent people, groups, nations, from making the Olympics every 4 years an international political forum. That is beyond our ability, my ability, anybody's ability.

Senator Cook. May I say in all fairness, again in respect to what Senator Pearson has said, and he has been involved in this longer than I, and has greater knowledge of it, and I have a tremendous respect for him and he knows it, but you have to admit it's rather

unfortunate and it does put government in its own way, by reason of its own constituency, in this ballpark when it takes a letter with 58 Senators' signatures on it to get NCAA basketball players to compete against a team from a foreign nation.

And therefore if it takes that kind of pressure, then shouldn't we legitimize that pressure by rules and regulations so they are on the books, so they are available, so that they are necessary, readable, understandable, and we all don't have to go rushing around here to get a competitive team to play against a team from the Soviet Union.

Mr. COSELL. Absolutely, sir.

Senator COOK. Thank you.

Senator TUNNEY. Would you yield, there. It looks like we will have to have another letter. Senator Bell put into the record a few moments ago—

Senator COOK. I heard about the AAU swimming thing.

Senator TUNNEY. Apparently, they don't want a U.S. swimming team to be swimming in the People's Republic of China.

Senator PEARSON. Did you see that in the paper?

Mr. COSELL. No, sir; I was in a holding pattern.

Senator BEALL. At this time, it is a colossal error, and I am wondering if these people don't have any concern at all for elimination of international tensions and don't they feel they have some responsibility to themselves to contribute to this new feeling that exists around the world?

Are these people insensitive to requirements of society?

Mr. COSELL. Your question transcends even the AAU and NCAA, Senator Beall. As one who has been in sports as a commentator and reporter for almost 20 years, your question is really a philosophical one. It's not even limited to the AAU and NCAA. In the curious structure of American sports and the way that it's grown—that is why I was sympathetic to Senator Cook's bill a year ago—in this damaging syndrome of Camelot where, whatever happens in sport is separate and apart from real life, people wind up with dugout mentalities, thimble minds, and their whole world is their tiny little empire.

Whether they will desert the National Capitol, or whatever; whether it's football where an owner in New York wants to depart the most profit making situation imaginable; or whether it's the AAU and NCAA. My own profession, the sports broadcasters, have been party to the construction of this Shangrila through all the years as have been many sportswriters and I note my most distinguished one, Bill Wallace of the New York Times, out of Yale University, by the way, and much above the run-of-the-mine sportswriter. He knows the exact truth of what I am saying.

So my answer to you is yes, they are insensitive in the AAU and NCAA, because the whole of their lives is lodged in the tiny periphery of what they do every day. I hesitate to tell you this, sir, but if 20 Russian missiles were on their way to this country and we had to push the button in Omaha, you would find sports announcers at Toots Schor's, debating who pinch-hit for the Mets against the Cards.

So, it's this mentality that has created the philosophy that underlies your question.

Senator COOK. May I say, that if the committees and the representatives of the committees would pay more attention to the expression of some of the athletes, they might get the point. Last night on television—I'm sorry, I don't remember her name—but there was a young American gymnast who had just competed in Madison Square Garden against the Chinese, and her only remark was that as far as she was concerned, that she thought it was one of the greatest experiences that she had ever had for herself and for her country since she had been competing.

If that would get across, then that would make the sense of what we are trying to accomplish in the Congress.

Mr. COSELL. That is absolutely true, Senator. We covered that appearance at the garden of the People's Republic of China and it will be on "Wide World of Sports" this Saturday. I was there and I know the feeling that existed there. A lot of these people learned that these people from Mainland China are warm and friendly, and it astonished them to find out that they were more friendly than some of the other countries.

Senator BEALL. Do you think, Mr. Cosell, the best qualified American athletes get to the Olympics?

Mr. COSELL. Not always, sir. That question involves perhaps a technicality. It's another thing I don't like: our system of Olympic qualifications. There is no question but that our greatest 400 meter runner—no question in my mind—the single most competitive runner I have seen, Lee Evans, failed to qualify for our Olympic team, although he qualified for a relay position, because he ran that day in Eugene, Oreg. with a pulled hamstring muscle that was not generally known.

So in that technical sense, our best athletes are not necessarily on our Olympic team because of the nature of the qualifications. If you have something underlying that with regard to the ability, financially, to get there, to attempt to qualify, and so on, I suppose, though, I can't recite them specifically now, that there have been such cases.

But overall and in general, I would have to say our best athletes are usually there, consistent only with what I find the error use method of qualifying.

Senator BEALL. Do you think the International Olympic Committee uses its best efforts financially and otherwise to see to it that the United States is represented, or that the best at least in the United States have the opportunity to compete?

Mr. COSELL. The International Olympic Committee?

Senator BEALL. Our own, excuse me, our own.

Mr. COSELL. I don't think the U.S. Olympic Committee actively thinks about that.

Senator COOK. May I ask a question. I want to ask you, as a reporter who covered the Olympics, whether you were aware of that. In response to a letter Mr. Connally sent out, he got a response from a young gentleman who was the head of our fencing team.

In that letter, he set out that they had come in fourth. Shortly thereafter, it became known that one of the teams in the top three has

used tranquilizers and that they received absolutely no help at all from their peers. All of a sudden, this individual wasn't available, and the doctor wasn't available and somebody else wasn't available and so on, therefore it just died away.

We saw Rick DeMont lose his gold medal and yet here we have a situation where apparently, it was widespread knowledge in the village that one of the top three teams had been using tranquilizers and the American team apparently, at least from this young man's remarks to Mr. Connally, got absolutely no help at all.

Now, were you aware of that? Was there rumors about it? Was it discussed?

Mr. COSELL. There were rumors all over the Olympic Village. Our athletes knew that such situations were occurring, many rumors about other, at least from different nations using drugs and that they could get away with it. I have no factual knowledge to support that.

But Harold Connally would have a much greater knowledge than I in that area. So would the other athletes who lived in the Village.

As a matter of informed opinion, there is no question in my mind that that situation existed in the Village, but that is opinion only.

Senator COOK. Thank you, Mr. Cosell. Thank you very much.

Senator TUNNEY. Senator Stevenson?

Senator STEVENSON. Thank you, Mr. Chairman.

Mr. Chairman. I welcome the opportunity to participate in these hearings and to submit testimony in behalf of Senate Joint Resolution 111.

Most sports fans are aware of the problems in amateur athletics. Our Olympic team has been beset with difficulties, culminating in the recent announcement by the National Collegiate Athletic Association that it was withdrawing its support from the U.S. Olympic Committee. And there has been the long and sometimes bitter feud between the NCAA and the Amateur Athletic Union, including the recent dispute over whether college players would be allowed to compete in the AAU-sponsored basketball series with the Soviet Union.

Such problems must be prevented. The United States must be permitted to field its best amateur athletes in international competition. If these problems are not prevented voluntarily, congressional intervention and Federal regulation may be inevitable. Several bills to reorganize amateur athletics under Federal control have already been introduced, and these hearings have been commenced to consider these bills.

The time for a voluntary settlement may be growing short, but I believe there is still time, and that Federal regulation should be avoided.

The resolution which I have introduced, Senate Resolution 111, will facilitate such a voluntary settlement. It calls upon the President to convene within 6 months a White House conference on amateur athletics. The conference, to be conducted under the direction of the Secretary of Commerce, would make recommendations concerning the organization or regulation of amateur athletics in the United States, including but not limited to U.S. participation in international competition.

Such a conference would bring together representatives of government, professional, and lay people who work in the field of amateur

athletics, representatives of high schools and colleges, and high school and college athletics, and representatives of the general public.

A final report on this conference would be submitted to the President within 90 days after the conference is begun, and within 60 days thereafter the Secretary of Commerce would transmit to the President and the Congress his recommendations including any legislation necessary to implement the recommendations in the report.

I realize that there are calls for more stringent action by the Congress than that proposed in Senate Resolution 111. Some believe the situation is beyond voluntary cooperation. But, like most, I would hate to see the Federal Government become unduly involved in this aspect of American life.

Some Federal action, perhaps in the form of aid, may be necessary, but I would hope the organizations themselves would request any such action or aid as an outcome of a White House conference.

I urge the President to convene such a conference and I urge this committee and the Congress to act favorably on Senate Joint Resolution 111.

I regret that I arrived late and missed your testimony, Mr. Cozell. I am told that this hearing has so far addressed itself to four bills. Very recently I introduced a fifth bill and because it was introduced recently, it has not received widespread circulation and I fear it's not known to you and perhaps to the other witnesses.

In this bill, though, I am trying to avoid Federal regulation of amateur athletics. What it does, very simply, is to call upon the President to convene a White House conference on amateur athletics, a conference that would represent our Olympic Committee, the NCAA, the AAU, other interested and involved organizations, including the National Association of College Athletes, representatives of high schools and colleges, general public, and so on.

The conferences would be held under the auspices of the Federal Government. It would be supported with the resources of that Government. In that conference, it would be hoped that some of these problems that you have been discussing here—there are still others, too—could be addressed, considered, resolved amicably, without Federal regulation—but if that appeared in the course of the conference to be necessary, the conference would of course be free to make recommendations to the Congress for regulation in one form or another. Without having had a chance to think about it perhaps, do you have any opinion about the wisdom of convening a White House conference to consider this whole problem?

Mr. COSELL. Yes, sir, I have an opinion.

Senator STEVENSON. Could you give it to us?

Mr. COSELL. I think it is unwise and will be ineffective. I don't think it gets to the problem at all. I think it is the very way to prolong the problem and not resolve the problem. I have watched the late Gen. Douglas MacArthur try to resolve the problem for instance between the AAU and the NCAA. He failed to do so.

I have watched Theodore Kheel, and this was in my earlier testimony, attempt to mediate the problem and spent 18 months of his life in that effort, and there is no finer mediator, to no avail. That is with regard to the NCAA/AAU part. As I pointed out it has

lasted longer than this Nation's involvement in Vietnam. I don't see how a Presidential conference will change the U.S. Olympic Committee which must in fact be restructured. It won't case the faded relics of yesterday voluntarily to make their respective addresses.

I don't see any solution in that approach at all, sir. I mean no offense. But you asked my judgment and that is my judgment.

Senator STEVENSON. Well, I certainly didn't mean to suggest that the conference would be confined to resolving an ancient dispute between the two organizations.

Mr. COSELL. Why would that resolve it, sir, if it had not been resolved in all the prior years?

Senator STEVENSON. I didn't say it would.

Mr. COSELL. Then what is the purpose of it when there is an immediate problem to protect these young athletes and further their legitimate interests.

Senator STEVENSON. The purpose of the conference as in the case of all White House conferences is to make recommendations to let us know what should be done.

Mr. COSELL. What is the purpose of these hearings, sir? To do exactly that.

Senator STEVENSON. We have a handful of witnesses, and we do, as I am sure you know—the President does from time to time—convene White House conferences. The most recent was on the problems of the elderly. Those conferences are quite capable of making on other subjects very useful recommendations on which we can act if necessary. The hope is that this may remain one aspect of our national life that the Federal Government will not have to move into.

I, myself, would be rather reluctant at this point on the basis of the hearings today and tomorrow, to regulate amateur athletics and will remain that way except as a last resort. We have not, I don't believe, gotten to that point yet.

Mr. COSELL. Sir, you are naturally—we have a difference of opinion here. But I would like to know the foundation for your judgment when we have established already in 2 days here I suspect the fact that our young—first it is documented that our Olympic effort had an enormous number of failures and mishaps. That the ones always penalized were the ones who should have been prospering, the athletes.

Senator Cook has already talked about the Rick Demont case, as I did earlier. You know about the basketball debacle where not a single U.S. Olympic official was even on the scene to make an argument. Of the nations that competed in the Olympiad, 216 never missed the start of an event. One did, the United States, thus penalizing two of the fastest humans on Earth who had given accumulatively 18 years of their respective lives to prepare for the one great challenge. I can take you on and on and on.

Now if that doesn't bespeak the fact that some action is necessary and quickly so—and here I couldn't agree more with the already expressed notions of Senator Tunney that we need some kind of action quickly for the sake of the 21st Olympiad in Montreal in 1976 to protect these young people—I don't know, sir, what it does.

A Presidential conference with recommendations further, sir—I have talked about the Government bugaboo, Government interference. I have faced that each time I have testified down here.

Well, that is fine in theory but what about in practice? I don't like Government control either but I want the people who contribute to make our participation in the Olympics possible to have the best possible accounting both in terms of efficient effort and in terms of expenditure of funds and I want our young people to be protected and they have not been getting it and it has been going on now for almost a full 20 years that I have been a reporter and a commentator in the world of sports.

So, for myself, sir, a Presidential conference would be of no avail.

SENATOR STEVENSON. Mr. Cosell, let me try to make something very clear. Are you suggesting there is a member of this committee who doesn't share all of your concerns?

MR. COSELL. Not at all, sir. I am suggesting I disagree with the notion of a Presidential conference.

SENATOR STEVENSON. We all have those concerns. But that is not the point. We can go on for days if we want talking about the problems of amateur athletics and it will not advance us very far. The time has come for action. The question is though what form that action will take. That is the purpose of these hearings. That would be the purpose of the White House conference.

As I said earlier, I missed your full statement. You say you are against Federal regulations. Are you in favor of the Senator Cook's approach?

MR. COSELL. I didn't say I am against Federal regulations. I said the conference. I now want it as the only way. I favor two bills, all embracingly, of course, I favor Senator Cook's proposed bill. But with a full understanding of that which Senator Tunney has espoused I can see validity to that bill if all the basic assumptions that he put forth to me are true. He would have better knowledge of that than I.

Also together with his personal commitment and that of the other members of this committee, that they would not stop with the passage of his bill but would proceed to the broader-based bill that would insure once and for all that the Olympic Committee would be restructured; that would insure that we would have the developmental programs we need in terms of facilities and training; that would insure once and for all that the hassle between the AAU and NCAA would be peremptorily ended; that would insure once and for all that the young athletes of this country would have the fullest opportunity to compete and excel if they have the ability.

SENATOR STEVENSON. Well, that is a respectable opinion and I won't debate it. But you are saying that the time has come and perhaps it has past for Federal regulation of amateur athletics. There are many amateur athletes in this country and many who are not that are involved at the college level and so on, that disagree with you. They feel we should make a final attempt voluntarily to amicably solve these problems and make that one last effort before the Federal Government takes over the regulation of this part of our life.

You disagree. That is what I wanted to get to.

Mr. COSELL. I am sure there are those who disagree with me, sir. I might note that probably nobody—I mean almost literally nobody, though I use the qualifying word “probably” has spoken at more campuses, more colleges and universities over the last 24 months in this country than I have. Unfailingly we get to this subject and in my own experience I have not found that kind of disagreement. There are those who disagree but I would say they were a very strong minority.

Senator STEVENSON. We will a little later be hearing from the president of the National Association of Collegiate Directors of Athletics. He may in behalf of the directors of colleges across the country take a somewhat different position.

Thank you very much.

Mr. COSELL. Thank you, sir.

Senator TUNNEY. Senator Cook had one more question.

Senator COOK. Thank you.

As an addendum, Senator Stevenson, I have brought up the question of this business of bureaucracy, and yet we have to realize that within the framework of amateur athletics in the United States we have 25 or 30 bureaucracies now, and they are independent bureaucracies, and they rule and regulate and they eliminate. As a matter of fact in regard to the Olympics I wish to read to you a statement from Mr. Krumm's letter to each member of the committee and I think this shows us the rather impossible situation that we find ourselves in in the United States, and apparently they wish to continue to freeze us in. I read one sentence in his letter: “There is no Federal funding assistance nor has it ever been sought by the USOC.”

Now the next sentence is very important: “It is the only major NOC which can claim this distinction.”

Now if he is saying we are the only major National Olympic Committee in the world that can claim the distinction that it has not asked for financial assistance, then that shows us the position we are in in relation to our ability to field the kind of efficient team that you talked about in relation to other countries throughout the world.

Other countries who have the wherewithal that is nowhere near what we have to give, feel that the athletic representatives and the athletic programs of their respective countries are that important and apparently we do not.

Mr. COSELL. Well, I agree with what you have said, sir, in the context of that.

Senator COOK. For us to brag about the fact that we are the only one in the world means that although the Olympic Committee fights and denies on the right of professionalism or amateurism in regard to our team, but ignores it in relation to every other athletic team in the world that competes in the Olympiads—is that not true?

Mr. COSELL. That is true, sir.

Senator COOK. Would you consider a big percentage of the athletes witnessed at the Olympiad, within the framework of the American definition, as being professionals?

Mr. COSELL. Would I consider our athletes—

Senator COOK. No, no. Would you consider within the definition of professionalism or amateurism, how would you consider most of the

athletes in the Olympiads that we competed against excluding the American team? Would you consider that they would be considered professionals in this country by the standards of our respective committees?

Mr. COSELL. I think that the Soviet Union and the satellite countries would be assumed to be professionals by our standards. But I don't want to portray lily-white situations about America.

Senator COOK. Before you said satellite countries. The testimony yesterday was that an Italian rowing competitor, the first two years before the Olympics was given a stipend of \$100 for training per month—

Mr. COSELL. That is true. I didn't mean to overlook those countries. There are actions of professionalism involved there. When you talk about amateurism you are vulnerable if you pretend that our college athletes in the United States are amateurs. We have discussed this before, sir, and I gave testimony in this regard a year ago before you. I know of nothing more deceitful, or more corruptive of young people at an early stage than the system of big time college recruitment that exists in this country. You can't pretend that an athlete who is part of that system is a true amateur.

Senator COOK. Thank you.

Senator TUNNEY. Thank you very much, Mr. Cosell. You have made an extremely valuable contribution.

We have other witnesses but just in light of what Senator Cook said. Mr. Krumm indicated yesterday that the International Olympic Committee would bar the United States from further Olympic competition if the Government demanded reform of the USOC.

Do you care just briefly to summarize your thoughts on that statement?

Mr. COSELL. That we would be debarred from Olympic competition?

Senator TUNNEY. Yes.

Mr. COSELL. All right. Reverting to my statement earlier, because Senator Cook wasn't present and Senator Stevenson wasn't present—his argument is predicated of course upon one documented case where the French Government sought to interfere and was advised by the International Olympic Committee that it would lose its franchise to participate in the Olympiads. That argument is no longer pertinent if it ever was in my opinion. As Senator Cook has stated and as I earlier stated, the U.S. Olympic Committee derives from this its very basic existence, a congressional statutory enactment. There is nothing to prevent amending legislation to sections 371 through 383 of the U.S. Code as stated by Senator Cook. That is item 1.

Item 2. In my opinion Mr. Krumm carefully overlooks the fact that the Soviet Union, its satellite countries and many other nations now in fact are subject to government control supervision and so on.

Now, we are not saying we want to be like the Soviets in propounding these four or now five pieces of legislation that Senator Stevenson has called to my attention. Nobody is saying we want to be like that. What we are saying is—at least what I have been trying to say—I have been around for almost two decades and they have yet

to put their own houses in order. I see nothing to suggest that they ever will and I think the only way now is through government legislation and quite permissible under the international Olympic structure.

Senator TUNNEY. Thank you very much, Mr. Cosell, for your excellent statement. You are a man most knowledgeable in the field and you have given us a very important insight. Thank you so much.

Mr. COSELL. Thank you.

Senator TUNNEY. Our next witness is Mr. Cecil Coleman, athletic director, University of Illinois. Senator Stevenson will introduce Mr. Coleman.

Senator STEVENSON. It is a pleasure for me to welcome Mr. Coleman to this hearing. Mr. Coleman has had a long and distinguished record in amateur athletics. He was football coach and later athletic director at Fresno State. He served as the athletic director at Wichita State University; he now is the athletic director at the University of Illinois.

Mr. Coleman has been on the governing council of the U.S. Track and Field Federation for about 3 years and he comes here today, Mr. Chairman, as president of the National Association of Collegiate Directors of Athletics.

I am very grateful to him for traveling this distance to be with us and I know he will be of great help in our deliberations.

STATEMENT OF CECIL N. COLEMAN, PRESIDENT, NATIONAL ASSOCIATION OF COLLEGIATE DIRECTORS OF ATHLETICS, ATHLETIC DIRECTOR, UNIVERSITY OF ILLINOIS

Mr. COLEMAN. Thank you, Senator, I appreciate the opportunity to appear before the Senate Commerce Committee today, and I do so, as Senator Stevenson has indicated, as president of the National Association of Collegiate Directors of Athletics, NACDA, an organization of over 1,000 collegiate athletic administrators in this country.

The National Association of Collegiate Directors of Athletics (NACDA) comprises institutions from the National Junior College Athletic Association (NJCAA), from the National Association of Intercollegiate Athletics (NAIA), as well as the National Collegiate Athletic Association (NCAA).

I believe it would be well for this committee to know that on October 6, 1972, NACDA formed an International Competition Committee to study the problems associated with amateur athletics in this country and to see if we could provide solutions that would help coordinate all efforts to bring about what is best for the individual participants, the college community, and our country.

The initial charge of this committee was to determine if international competition was worth all the in-fighting between national organizations and the deterioration that has been caused in amateur athletics over a great number of years. It was the unanimous feeling of this committee that international competition was worthwhile for the following reasons: (1) international competition gives the athlete the opportunity to adapt to international competition and

thus be better able to withstand stresses and pressures of Olympic and Pan-Am games; (2) The athletes' association with athletes and coaches of foreign countries contributes to his observation of their training and competitive habits; (3) developing lifelong friendships which is especially important with our young people due to the lifelong contribution they can make to international understanding; (4) the exchange of ideas between coaches in the various coaching techniques associated with all sports; and (5) international understanding and cooperation through the medium of sport and through the mutual appreciation and recognition of athletic excellence.

After several meetings, it became quite clear to the committee that either the amateur sports bodies get together and settle their own problems once and for all or there would be very definite possibilities of Government intervention. With this thought in mind, I directed, on behalf of NACDA, a letter to President Richard M. Nixon requesting a White House conference on amateur athletics.

It was our belief then, and it is today, that only through a conference on amateur athletics, where there is free and open dialog between the heads of all sports bodies conducting or responsible for international competition, can the differences which have existed for so many years be settled.

On or about December 1, 1972, the Committee for a Better Olympics was formed, and an organizing meeting was set up for December 10 and 11 in Chicago. On behalf of NACDA, I attended this meeting to obtain as much information relative to international competition as I could for the NACDA International Competition Committee.

In subsequent meetings of the Committee for a Better Olympics, I was asked to serve on a subcommittee to develop a document that would restructure the USOC. The principles adopted in restructuring the USOC included the following: (1) Provided for representation by State; (2) emphasized democratic grassroots involvement; (3) representation would be achieved by election on the basis of merit by constituents who had knowledge of the candidates involvement and contribution to amateur athletics; (4) definite limitations as to term of office; and (5) athletes would be provided a greater voice in the administration of the USOC.

In order that the NACDA International Competition Committee be made even more knowledgeable about the entire international competition enigma, I attended the quadrennial meeting of the USOC on February 7 through 9, 1973, in Colorado Springs, Colo. It was interesting to note that some of the legislation adopted by the USOC included the following: (1) Adding athletes to the board of directors and the executive board; (2) State representation by 50 State chairmen throughout the country to serve as a frontline of communication with the Olympic movement in each State; (3) a change in the two-thirds requirement to a majority in repealing the Greenbrier amendment which requires any group or organization which seeks to affiliate with an international federation to obtain the approval of the USOC board of directors before doing so; and (4) a general house cleaning of top administrative personnel at Olympic House.

I point out the action of these two groups only to emphasize once again the great concerns of these two bodies for future international competition.

Going back to the premise of the NACDA International Competition Committee that only through a White House conference on amateur athletics can all of these problems be settled, it was our belief then, as it is at the present time, that there exists a good possibility for a new superstructure emerging from these meetings to coordinate all international competition.

It is our firm belief that, within this superstructure, equitable representation from all sports whose constituencies are affected would be mandatory. We believe that a White House conference on amateur athletics would be more efficient, more objective and more expedient—thus getting to the heart of the matter quicker than possible legislative action could accomplish.

For this reason, I have not commented on other bills coming before this committee due to the fact that a majority of them impose Federal intervention. A possible exception to this would be Senator Pearson's bill which, as I understand it, does not interject the Federal Government directly in the administration or regulation of amateur sports.

Unfortunately, some of the proposed legislation fails to recognize the rights of high schools, junior colleges, colleges, and universities throughout this country to join together in similar associations to establish rules, regulations, and guidelines for their various sports programs. Some of the proposed legislation also fails to recognize the great number of persons who have devoted their lives to athletic administration at the high school, junior college, and college levels.

Collectively, these are the most knowledgeable persons in the country, due to the fact that they work at this day in and day out throughout the year and it is not a part-time job.

Because of these very strong beliefs, I direct your attention to the joint resolution sponsored by Senator Adlai Stevenson from the State of Illinois in which he has proposed a White House Conference on Amateur Athletics. In our judgment, Senator Stevenson's proposal will accomplish what we believe to be essential to the well-being of amateur athletics in this country.

It is the strong feeling of the NACDA International Competition Committee that through a White House Conference on Amateur Athletics, the true character of all organizations will come out. These organizations only interested in perpetuating themselves, in being the controlling power, rather than administering a highly efficient amateur athletic program that will benefit all participants in all sports for international competition, should be eliminated from the amateur athletic scene. If a White House conference on amateur athletics fails to eliminate these selfish interests, then the possibility of Government intervention is greatly strengthened.

Thank you.

Senator TUNNEY. Senator Stevenson.

Senator STEVENSON. Mr. Coleman, have you received a reply to your letter of last November to President Nixon?

Mr. COLEMAN. Yes; I received a reply from Mr. Nicholson and Casey Conrad.

Senator STEVENSON. What was the substance of that reply?

Mr. COLEMAN. Indicating that at that particular time the President was reluctant to have a White House conference on amateur

athletics because he was afraid that it would end up in just one big gripe session.

Senator STEVENSON. How do you respond to that claim? Mr. Cosell makes a similar point that it would be unproductive, it might turn into a gripe session.

Mr. COLEMAN. I understand Mr. Cosell's point of view; however, he fails to recognize, I feel, as possibly many of us have for much too long a time, is the fact that never before in past commissions, and the investigations that have gone on, have the national organizations been under the gun the way they are right now. Particularly the USOC, Senator. They do not have any choice because it is going to be done one way or the other. They can do it or it will be done by Government.

I do not think there is any question in any one's mind on this.

Senator STEVENSON. You heard Mr. Cosell say that we cannot wait. The time for action has come. What is your response to that argument that we cannot wait for a conference.

Mr. COLEMAN. I do not know, the proposed legislation that I have heard and knowing how the Government works, like so many of our educational institutions—slow—that I sincerely believe that if—depending on how quickly the President would call a conference, if it could be done quickly I think one way or the other we would know very soon.

Senator STEVENSON. You make the point in your statement that a White House conference is the way to act now. The legislative group might take longer. Would you care to expand upon that statement?

Mr. COLEMAN. Well, my whole point is that if you get the heads of the sports bodies, the athletes which most certainly need input into the entire international competition picture, the various organizations representing the school and college communities, get them down eyeball to eyeball to get something hammered out or it will be done for them, I think it can be done much more quickly than the legislative process would take.

Senator STEVENSON. Mr. Cosell also indicated that he traveled a good deal to the campuses and believes that a great deal of opinion on the campus supported legislative action right now. What is your opinion? What I mean when I ask that is that I do not mean only the opinion of the athletic directors but also the athletes. Is there, as may have been suggested, a predominant feeling that time has come for legislative action, or in your opinion, would the majority of amateur athletes and athletic directors favor this last attempt at getting voluntary solutions through a White House conference?

Mr. COLEMAN. I do not know as I could answer your question, Senator, factually. It would be my opinion that the majority of the athletes on our campuses today are for the most part completely ignorant of all the problems that have gone on with international competition, primarily because the majority of them have not been put into it.

We have the unique group with us today here because these are the world class athletes that have participated in pan-American Olympic games, in the international competition junkets that go on.

So they are so much more knowledgeable than the general class of student. I could see very easily where a silver tongued Howard Cosell could get together with a group of students, and have them say or believe anything he wanted them to. Probably many of us, too.

Senator STEVENSON. He is a powerful witness. We are running short on time. That concludes my questioning. Thank you. Mr. Chairman.

Senator PEARSON. Mr. Coleman, were you at Wichita State at the time of the tragedy out there?

Mr. COLEMAN. No; if I had been I would not be here today. That happened in October, and I went there in February. The following February.

Senator PEARSON. Of course, that is one of the great stories of courage in American amateur athletics, almost the entire team was wiped out and they picked up freshman scrubs and reserves and finished the season. I think your point in any event on the representation of high school and junior colleges is well made.

We ought to consider that. I think this is a really constructive addition to our record. I am glad to see it. We appreciate your testimony.

Senator TUNNEY. Thank you very much, Mr. Coleman. I also want to join my colleagues in thanking you for your suggestions to the committee and I think particularly the representation on the USOC, your comments there, you strike a common point. There has to be this representation, a lot of people feel there must be. There has to be a greater responsiveness by the committee.

Thank you very much.

I would like to call Clifford Fagan, executive secretary, National Federation of High School Associations.

Senator PEARSON. Mr. Fagan is accompanied by a friend of mine, Brice Durbin, executive secretary of the Kansas State High School Activities Association, and he is a guy that works pretty hard in this field and I'm glad he is here today.

I just thought I might recommend that you put your statement in the record. Mr. Fagan.

**STATEMENT OF CLIFFORD B. FAGAN, EXECUTIVE SECRETARY,
NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS;
ACCOMPANIED BY BRICE B. DURBIN, EXECUTIVE SECRETARY,
KANSAS STATE HIGH SCHOOL ACTIVITIES ASSOCIATION**

Mr. FAGAN. Certainly, we will cooperate, if you wish, in that way.

Senator TUNNEY. I would hope perhaps Mr. Fagan and you could summarize your statement. It will be made a part of the record.

We're running into the time problem, which is always the case, I'm afraid.

The Judiciary Committee is meeting on Mr. Richardson's nomination again at 1, so, therefore, we want very much to hear from you and we want to hear from Mr. Fred Thompson, who will be coming on after you.

If you read your whole statement, we will not have time to hear Mr. Thompson, so could you summarize your statement and it will be in the record as if read.

Mr. FAGAN. Certainly.

Senator PEARSON. I might say when I summarize my statement, it generally takes me twice as long than if I read it.

Mr. FAGAN. I'm not trying to be unkind, but I'm going to try to beat your record, Senator.

Senator PEARSON. All right, fine.

Mr. FAGAN. We appreciate your time limitations, and we want to cooperate. Mr. Durbin and I join in representing approximately 20,000 high schools and their interscholastic athletic programs, gentlemen, and we would urge the committee recommend the adoption of Senator Pearson's bill with some amendments, and we support enthusiastically Senator Tunney's bill.

As has already been said this morning, the matter of amateur athletics in the United States is an extremely complex arrangement. It's not a simple one. I think one of the problems of the other groups which have tried to solve the problems confronting us in amateur athletics was they were not specialists in the area and did not understand all the problems involved, not only at the Olympic, but at other levels as well.

Some of the problems you gentlemen discussed this morning did not refer to Olympic problems, but to other international matters. For example, the recent Russian basketball tour of the United States was not an Olympic matter. It caused as much concern, of course, as some of the Olympic problems and none of the problems are simple.

Mr. Durbin joins me in reserving an opinion, in representing the schools' point of view, regarding the Mr. Gravel's and Mr. Cook's bills if you please. We believe Senator Pearson's bill strikes to the heart of the matter. The real heart of the matter is representation in international organizations. —We have pointed out in our formal statement how it works to the disadvantage of the United States to have the AAU representing basketball today when they have virtually no basket ball program at all.

When the AAU obtained the international franchise in the 1930s, it no doubt deserved it. But there has been a change in the sponsorship of basketball and we use basketball as an example, one which Mr. Durbin and I are both imminently familiar with, and can discuss with reliability.

So, to summarize as briefly as possible, Senator, we do endorse enthusiastically your bill. We trust it will be enacted. We hope that the Congress will accept it. We hope that Senator Tunney's bill be passed. We believe the other bills need much more study before they are made into law.

We are cognizant that there has been some study. But I repeat as the testimony goes on and as your committee studies it more, I believe you may want to make some changes. Our problem in the United States is not at this time particularly one of money, gentlemen.

Finances are involved, and there certainly should be a greater opportunity for boys and girls, too, to participate in athletic programs. But I would like to call to your attention that after World War II, Senators, the average interscholastic program in the United States consisted of less than three sports.

At the present time, the average high school—this is the average high school in the United States—the average high school sponsors nine sports. I'm talking about different sports such as football, basketball, track and field, wrestling, swimming, golf, tennis, cross country, volleyball, gymnastics, etc. Many of these schools, large schools in particular in suburban areas, have several teams in one sport, four basketball teams, for example. They are all coached and all students interested have an opportunity to participate.

We have approximately 3 million boys and girls taking part in a competitive interscholastic program. This means they are coached. You gentlemen have heard criticism of the coaching at the lower level, but the coaching must be somewhat commensurate with the talent and the ability at the particular level.

We make no apologies for the caliber of coaching at the lower level. The increase in junior high school participation has increased a great deal. We do not have the figures on that and will not attempt to indicate any or construct them here. We would point out to the committee however, and we didn't mention this in our formal statement, that we're talking about students and school programs.

We're not talking about professionals. We're talking about students who have other responsibilities in addition to participating in athletics. I think this statement is self-explanatory. There is no need to go into that. We could develop it if you wanted to send questions to us. We would develop this more completely, Senators Tunney and Pearson if you desire.

The next point we would bring to your attention is that there is such a thing as an athlete, certain athletes—not all of them—but a good number of them become saturated, or burned out as a teenager. There are some records to indicate that this happens when boys are saturated, particularly at the junior high school level. We think it also happens in certain situations at the high school level. We would point out to you in passing—nobody has mentioned this today—that an amateur is whatever the organization for which he is competing defines him to be.

The Olympics have an amateur rule and it's not the same as many other amateur rules. Hockey has a different amateur rule. Golf has a different rule. Organizations, the NCAA, and all other organizations with large programs and their own rules have varying amateur standards.

So when you are talking about amateurism, it depends upon who defines it and what the definition is, gentlemen. I would ask you to take cognizance of this and to give it some consideration as you construct legislation for the conduct of amateur sport.

Incidentally, gentlemen, not all people have their expenses paid to Olympic events. Olympic officers—I personally am a member of the board of directors and I paid my own way to Munich and I paid my own housing there. The Olympic Committee doesn't pay the way for everyone. I think to make a blanket statement that this is true or an implication this is the situation is unfair. Certainly there are great needs for reorganization of the Olympic Committee.

I think that the Olympic Committee will not do this from within. There needs to be outside influence.

Finally, the matter of sports federations and they will be referred to during your hearings, with increased frequency—are in truth federations. They give each of the organizations belonging to the federation, autonomy. Each organization which belongs to the federation—high schools for example—are autonomous.

We have our own program with no imposition from above in any way by the sports federation, be it wrestling, basketball, track and field or baseball. In defense of the NCAA, the NCAA doesn't control high school State associations nor the National Federation.

The implication you will hear and have heard is that the NCAA does control us. There is nothing further from the truth. We are entirely independent. We are proud to work with NCAA. We have common causes, and we have a common philosophy, because we are working with student athletes. But to say the NCAA dominates the sports federations as such is wrong. We would like to emphasize this.

We thank you very much for your time. Both Mr. Durbin and I, or any of our associates would be at your disposal to answer any questions we can. We recognize that we are at a level below colleges. We are here to voluntarily help, Senators. We are sports administrators, we have spent our lifetimes in it.

We hope you consider us to be knowledgeable. We believe we are. Thank you.

Senator TUNNEY. Thank you very much, Mr. Fagan, for your statement. I have read the statement while you were testifying, and I think it's a very good one and it's most helpful to the committee. I know that I have a number of questions for you which I would like to submit to you in writing and I think that other members of the committee would have questions for you, too.

Your answers in writing will be incorporated as a part of your statement at this point in the record.

Mr. FAGAN. Thank you very much.

Senator TUNNEY. Senator Pearson?

Senator PEARSON. I thank you very much. We had a conference in my office at which time you discussed an amendment that you had. Let us have the other proposals you have on possible amendments and let us take a look at them.

Mr. FAGAN. Very fine. We will write you. We thank you for the courtesies you extended to us when we called you previously.

Senator TUNNEY. Thank you very much.

[The statement follows:]

STATEMENT OF CLIFFORD B. FAGAN, EXECUTIVE SECRETARY, NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS

Mr. Chairman and Gentlemen, I am Clifford B. Fagan, Executive Secretary of the National Federation of State High School Associations. It is my privilege to present to you my associate, Mr. Brice B. Durbin, Executive Secretary of the Kansas State High School Activities Association. Mr. Durbin joins me in thanking the Committee for the opportunity to relate to the Committee the National Federation's points of view concerning proposed amateur sports legislation before the Committee at this time.

Our point of view is the result of experience in the administration of athletics at various levels. I am presently a member of the United States Olympic Committee's Board of Directors and have served in this capacity during the most recent three Quadrennials. For six years I was President of the Basket-

ball Federation of the United States which involved me at the international level and gave me the opportunity to become intimately acquainted with international basketball organizations. Mr. Durbin is a former college coach, presently a member of the National Basketball Committee of the United States and Canada and the United States Olympic Committee's Track and Field Committee. He was a team manager in that sport during the 1968 Olympic Games in Mexico City.

The program of the Federation's 50 state high school associations, each of which sponsors a comprehensive interscholastic sports program involves more communities, more competition, more contests and more participants than at any other level. The state associations of our organization represent somewhat over 21,000 high schools and administer the athletic competitive program for approximately 3 million boys and girls. It is a growing program of wholesome activity. Through it students are motivated to keep themselves physically fit. They derive a very worthwhile educational experience by taking part in activities.

An ever increasing number of high school age student athletes are participating in not only local and state competitions but at national and international levels. Considerable numbers of high school age participants have represented the United States in each of the recent Olympics. Each year there are many squads which take part in international competition both within the United States and abroad. This competition involved many countries extending from Japan to Russia, from Canada to South America and from Norway to Italy. There is a very wide range of activity including basketball, baseball, gymnastics, skiing, soccer, swimming and wrestling in these exchanges.

It must be recognized from the outset that the major problem confronting amateur sports in the United States is not domestic in origin. Various organizations in the United States in the past, are presently, and will in the future be able to conduct their own national programs for the benefit of the participant and to the advancement of the sport because of a free and unrestricted opportunity to do so. To a considerable degree, these programs conducted under high competitive standards, enable the United States to traditionally be well represented internationally, and this includes the Olympic level.

The present problem in the United States amateur athletics has an international origin. It emanates from membership in international sports governing bodies. From this membership comes authority and control which affects all of our country's participation. Some international sports governing bodies refused to take into consideration the development and growth of athletics in the United States and the resulting change in the organizations which now sponsor the programs which make the most significant contributions to sports in the United States.

The sport of basketball provides a perfect example of the type of problem which we are calling to your attention. At the turn of the century and shortly thereafter, basketball was a prominent club activity. There was a viable club program while the sport was growing in the schools and colleges during the decades of 1910, 1920 and even into the 1930's. Because of this basketball club program, the Amateur Athletic Union was accepted for membership into FIBA, the international amateur basketball federation during the 1930's. During these years, there was frequent competition between the clubs and the teams sponsored and representing the educational community. Since World War II, this has changed very radically. Presently, the Amateur Athletic Union has virtually no club program of importance. In fact, it has virtually no basketball program of its own. However, until recently, the AAU has been the U. S. card carrying member of FIBA, and to date the successor franchise holder—a new ABA—has not been established. Those organizations which supply the talent, for all practical purposes, are not represented in international basketball councils. To paraphrase, it is in effect, taxation without representation. The coaches, the rules experts and those who administer the programs of basketball in the United States for the most part, are not privileged to be represented through an organization of their own choice.

As far as basketball is concerned, the Amateur Athletic Union has outlived its usefulness and the United States sports program would profit immeasurably through the international organization's recognition of a domestic asso-

ciation or federation which would be an independent basketball organization truly representative of the sport as played in the United States. Those organizations which have in recent years contributed most to the development of basketball in the United States recognize the inability of the Amateur Athletic Union to properly represent the United States in the area of basketball. As a result, a basketball federation of the United States was organized several years ago. It is the largest amateur basketball body in the United States and it has only one responsibility, that is basketball. It does not attempt to administer competition in several sports, thus dividing its interest and thereby weakening its effectiveness. The sole purpose of BFUSA is to work toward the betterment of the sport of basketball in the United States and internationally. The organization is structured to enable any basketball group in the United States with a significant national program to participate in it. It is completely democratic.

The AAU obviously wants to assert membership in FIBA. Any international franchise adds to the AAU's authority and enhances its influence in the Olympic Committee. In this, as in several other sports areas, the AAU's international membership is a disservice to our international program. FIBA recognizes the AAU does not have a basketball program of significance. However, the national governing bodies which comprise FIBA are all interested in protecting their own situation, and they do not want to take any action which will encourage organizations in their own country to attempt to replace the current sports governing body.

The basketball situation is a specific example of the principle cause of the present amateur sports problem in the United States. Most certainly the remedy is to make a change as dictated by sports development and growth. The groups which have developed and furnished the athletic talent should represent the United States in international circles. If the United States is going to maintain its place of leadership in international athletics, this simply must be done. The time when this decision should have been made is already past. As a result of failure to do so there is already evidence of loss of leadership and of decline of the prestige in the United States in some sports efforts.

Subject to the adoption of certain strengthening amendments, we unequivocally endorse Senate Bill 1580 because it strikes at the heart of the problem, it recognizes our internal problem derived from the failure to take cognizance of those organizations which are actually supplying our country with the athletic talent. The Bill provides the means of resolving the impasse which has developed. To insure the progress of amateur sports in the United States it is necessary for the Congress to enact this piece of legislation.

Participation in amateur sports must continue to be a privilege. It is not mandatory and, therefore, there should be as much freedom in the conduct in such programs as is possible. Thus, in our opinion, it is not only desirable but necessary that government intervention and regulation be minimal. Bill S. 1580 meets this criteria. It provides a means for solving the problems which have confronted us for many years and it establishes the machinery for a periodic review so that a similar problem can be avoided in the future. It will establish a fair and just means of determining which organization it may be necessary from time to time to change the sports governing body. It currently acknowledges it is not necessary to appropriate and distribute actually represents the amateur phase of a given sport. The Bill recognizes great amounts of money to implement the solution.

The availability of large amounts of money provided by the government is not going to improve the level of sports competition in the United States nor remove the obstacles which are presently causing difficulty. Making government monies available for the administration of amateur sports in the United States is not the solution. As a matter of fact, to do so could make a negative contribution. Subsidization of organizations which do not have a program which is attractive to competitors and which suffer from lack of participation would perhaps enable such organizations to maintain their organizational structure but in no way strengthen our amateur sports position internationally.

Those organizations which are recognized by international sports governing bodies are referred to as national sports governing bodies and as a result have a paramount and most influential position in the Olympic structure. Associations which do not accept the dictates of the so-called governing body, even though that governing body may be completely lacking in democracy and

not representative of a particular sport's interest, are denied the opportunity to participate in administration.

The adoption of Bill S. 1580 as we understand it would not automatically take away from any organization its international membership. The passage of the Bill would merely provide an orderly means for national sports organizations to apply for the privilege of representing the United States internationally. The Board established by the legislation would merely have the power to consider the application and then determine which group is the best qualified to do the job, and as a result, deserved the international membership. If the body holding the membership could justify its position no change would be made.

Thus, it is extremely difficult for us to understand how any organization which purports to have the best interests of the United States foremost could possibly oppose procedures established in S. 1580. At the present there is no internal organization which has the authority to provide a solution.

Undoubtedly there will be those who contend the international organization would not be required to accept for membership the United States Sports Associations designated by the Sports Board. We can not agree with this point of view and call the Committee's attention to the fact that there are already several countries whose governments designate the national sports body for membership in a variety of international organizations. The international organizations have consistently and traditionally accepted these national designated sports groups. In other words, the precedent has been established.

In addition to supporting S. 1580, we also wish to give our support to S. 1018, Senator Tunney's bill to create a national commission to study U.S. participation in the Olympic Games. It is our feeling that Senator Tunney's commission offers the opportunity for a careful study of all of the problems relating to U.S. participation in the Olympic Games. Specific legislative recommendations resulting from that study should improve the role played by our country in future Olympic competitions. In the meanwhile, however, we see no reason to defer action on the problem of the selection of U.S. franchise holders in Olympic sports and we therefore recommend that both bills go forward together.

We emphatically and respectfully urge the Commerce Committee to recommend to the Congress the adoption and passage of Bill S. 1580 which will provide a solution to the basic problem confronting amateur sports in the United States today. To do so will once again enable the United States to be appropriately represented in all aspects of international competition and to resolve any internal problems which result from undeserved membership in international organizations.

Senator TUNNEY. Our next witness is Mr. Frederick Thompson, coach, Atoms Track Club.

STATEMENT OF FREDERICK D. THOMPSON, COACH, ATOMS TRACK CLUB, NEW YORK CITY

Mr. THOMPSON. Thank you, Mr. Chairman.

Senator TUNNEY. Mr. Thompson, I don't want to inhibit you at all but I was wondering if you could submit your statement as a part of the record, and if you could, would you summarize your statement in the same way Mr. Fagan has done?

Mr. THOMPSON. Surely, Senator, I will only summarize it now.

Mr. THOMPSON. In 1960 I returned from the service and came back to Bedford-Stuyvesant because I wanted to help the young people in the community; to direct their energies towards schooling.

I had been a track athlete and prior to that I had gotten together with some fellows in the community center and formed a team called the Atoms Track Club.

The club was set up with the purpose of channeling the efforts of young people towards finishing school. After about 3 or 4 years of

effort—this was a boys and girls club, we decided to split off the boys from the girls and made it a girls team because everything that existed in our community existed for boys. All the recreational centers and programing was oriented towards boys.

Subsequent to that I got an AAU charter and began traveling.

I have learned what it means to be an athlete in this country in that time and what the problems are of athletes and clubs and how they have a great deal of difficulty in just surviving.

From 1960 through 1969 the entire financial burden of the Atoms Track Club was on my shoulders. But in late 1969 we began getting help from the Mayor's Commission on Youth and Physical Fitness in the city.

Presently I have athletes getting ready to go to the national championships held in Irvine, Calif., but we don't have any money to send them there. Our group of young women—in reply to Mr. Fagan's comments—are not only athletes but are fine students. We have 19 girls attending college today. Two of my girls were Olympians; one got a silver medal; two of them have gotten gold medals in the pan-Am games; and in all I have been sending girls to international competitions representing the U.S.A. since 1969.

We have had girls on every team that has gone abroad since that time. We have had girls set American and world records in various events, and despite our successes, every single year we look for money. Every single year we have a problem of getting mony to go to these meets.

Senator PEARSON. Where do you get the money, Mr. Thompson, to support the team?

Mr. THOMPSON. Well, I—

Senator TUNNEY. Mr. Thompson, I am sorry, but I am just informed by my staff that the Senate Judiciary Committee is going to be meeting at 1 p.m. in executive session to vote on Mr. Richardson.

I am going to have to take your statement and read it later.

Thank you very much.

I will turn the meeting over to Senator Pearson at this time.

Senator PEARSON. I was going to ask where you get your financing to support the team.

Mr. THOMPSON. As I said, from 1960 to 1969 all of it came out of my pocket.

Senator PEARSON. Your pocket?

Mr. THOMPSON. That's right.

Senator PEARSON. What is your occupation?

Mr. THOMPSON. I am an attorney.

From 1969 through the beginning of this year we were getting funds from the Mayor's Commission on Youth and Physical Fitness in New York City but those funds are never certain and they have dried up now.

Senator PEARSON. Have you ever tried public solicitations, and things of that sort?

Mr. THOMPSON. We have tried everything. When you try to take a team across country to California and you only have \$7,000, you may be in trouble because that amount is very easy to spend.

I mentioned the fact that we have set records in various meets and we have still trouble getting funds for some support.

Recently in Madison Square Garden we won the indoor national championships for the third consecutive year. We won the outdoor in 1971, and we have been in the first two or three regularly. We won in February; and 2 days later we were out of a place to train. We didn't have any funds to pay for our use of the school.

Two of the girls were supposed to represent the United States in Richmond versus the Russians 2 weeks later—I didn't have a place for them to train and I had problems finding a place for them to train for the meet.

Senator PEARSON. Did you try to get help of any sort? From the different associations?

Mr. THOMPSON. Sure, we always talk to people but the problem is that there are so many clubs and everybody is asking for money and they don't have moneys to give to everyone.

During the spring and fall we train at the park, and it is hazardous out there as you might know. We have had all sorts of incidents occur.

The entire month of April every year we train in a place called Boys Life Field. You have to climb a fence to get into the park. The girls have to climb a fence in and out every day.

Our circumstances are not unique, however; clubs all over the country are facing the same problems.

I was very interested in the participation of the U.S. women in Munich, naturally so as I coach a women's team.

I noticed there was an article in the Daily News where it was stated that over \$213,000 was given by the U.S. Olympic Committee for the mens' track and field events. The womens program was given a little over \$20,000 over the same period. A lot of people criticize the womens program—maybe rightly so—but we just don't have the money for development.

I went to the women's training camp at Champaigne, Ill., and there they were trying to set up competition for the girls so that they would have last minute competition. We got together and got a Canadian team to come down. The whole thing almost blew up though because there was no funds available to support us.

The Olympic Committee, AAU, none of them would come up with the funds. I don't know how it was resolved, but at one point I was asked by the frustrated coaches of the U.S. team to get a TV network to help out. This is just ridiculous, in an Olympic year.

I was in Munich last year; and I was a commentator for ABC. I left Munich pretty much stunned as a result. It was my first Olympics. I guess I learned a bitter lesson—a lesson we all would learn if we studied the whole picture thoroughly—but we have to take a good look at what went on over there.

Most of my time was spent in the Village. I didn't spend my time in an ivory tower and what you may have otherwise over there. My job was to know what was going on. I had a lot of friends among the athletes and coaches of the various teams. I witnessed the Rhodesian affair; the uneasiness of the black American athletes; and the Israeli tragedy—all first hand.

It was not a pretty scene.

I now realize that our Nation is hated throughout most of the world; that many of our so-called friends relish a chance to embarrass us and that athletics are more than ever becoming used as an example of a way of life and a measure of one government against another.

Now, Senators, you have for consideration before you four bills and all of them have some merit. I am not interested in more studies. I really am not.

I am interested in money being put out into the country where it can do the most good in the form of things to enable kids to have the chance to compete and express themselves.

I think we need a National Sports Foundation. We need money all over the country in support of programs. We don't need a foundation with a chief executive who doesn't know what is going on at the grassroots.

We need somebody appointed because he is knowledgeable in sports; we need people who will be able to make input. Funds are important but a lot of people will be trying to get these funds and it is important that they go to the right place.

The funds should not be directed towards a political organization in the city or what have you, but directly to the clubs and the individuals who are going to be doing the work out there.

There should be some facilities built. We have no facilities in New York City. We have one armory in the city of New York that high schools compete at. One armory.

There are no fieldhouses. The colleges don't open up anything to us. We can't go to a college and say, "We would like to use your facilities."

That just doesn't happen.

We train in a gym—really a track built near the ceiling. I just think there should be training camps in this country, places where an athlete who has the ability can go train, may do so at the foundations expense.

I think that financial shock of a guy leaving his job and family for a period to represent the United States and wear the "U.S.A." across his shirt abroad should be somehow lessened. There should be an information system to disseminate to different clubs and groups in the country all pertinent information. We need help in our coaching. Many people start to talk about Munich and they talk about the other countries and how they cheated us out of this or that.

That goes on in international competition. It has been going on for years.

Our problem is that we were not ready for those tactics employed against us.

Our men's team spent a lot of time in Scandinavia and Italy for example prior to the games. Well, you just don't take a group of young healthy American athletes and run them around Scandinavia and Italy prior to the Olympic games.

In 1968 we were lucky. The whole effort of the Europeans and Africans started then. In 1968 we were lucky in that we were plagued with an altitude problem in Mexico City. This meant that

the various teams had to be kept at an altitude location (Los Alamos) where they had to stay together, be coached together, and be taken to the games together.

But this time, that feature of training together was lost. We had a diffusion of effort and we had a situation where—well, the women's team was just not prepared.

We need more international competition, unlike the situation that exists today. We do not need a traveling troupe going to different places for competition for long periods of time. Smaller groups, preferably eight in number should go abroad and along with coaches and chaperones more progress would be made.

Finally, with regard to the proposed legislation, I want you to please recognize the dignity of the athlete who represents this country abroad. Maybe they should have something to say about what happens to their lives from now on. I don't think the task is easy by any means but I don't think we have time for any studies.

Nineteen seventy-six is just around the corner. The time is now.

Thank you.

Senator PEARSON. Thank you very much.

You have made an excellent statement for us. I want to repeat something the chairman said and something all of us feel: we have here a hodgepodge of legislation before us: and I think there is a persuasion on the part of everyone that has participated in these hearings to try to put together some legislation. I think probably what we will do is put them all together and shake them up and see if we can't find the good parts of each one and put them together. We of course have to reach some hard decisions about whether we will have these functions as a governmental agency or whether we will try to keep it in the private sector.

But I think I have an understanding of the thrust of your testimony which is to provide some funds.

We do this in the field of the arts and sciences without any hesitation.

If we could only get a Sputnik to go up in the field of athletics why the country would certainly respond as quickly as we did before. We did concerning the Educational Act to the extent we have now too many engineers.

Mr THOMPSON. I would like to comment on the remark about the Oregon tryouts.

I know something about it, and was involved somewhat in it. There you had at least 8 days of competition where they simulated what would go on in the games. Maybe it was of longer duration but they simulated the time periods that they would have concerning sequences of competition and so on.

The stands were filled every single day, filled with people and the athletes had to pay their way to get there to participate.

I know of one instance and there were more, but there was one athlete, an Olympian from 1968, who was about to be thrown out of his room because he didn't have any money to pay for his room.

Now, that to me is just ridiculous.

Senator PEARSON. Well, it is very valuable testimony, Mr. Thompson. I want to commend you for the kind of work that you are doing in New York, too.

We will attempt to address ourselves to the problems you have described when we get into this a little more. We will have questions from others of the committee who will send them to you and we would like your responses if you would, please.

Thank you very much, Mr. Thompson.

Mr. THOMPSON. Fine.

Thank you.

[The statement follows:]

STATEMENT OF FRED THOMPSON

My name is Fred Thompson, I'm an attorney and I have lived in the Bedford-Stuyvesant section of Brooklyn, New York practically my entire life. I was an average high school and college athlete whose experiences in track and field have helped to shape my values. I attended St. John's University School of Law and upon my graduation I served two years in the military.

In 1960 I returned to my community and realized that something had to be done to stem the large drop-out rate of young boys and girls from the school system. My individual contribution was to form the Atoms Track Club, a sort of a social project with pride, and individual achievement being the keynotes of the Club's philosophy. My aim to keep them in school and to channel their energies towards constructive achievement.

I started with a 60 yard hallway in a public school, P.S. 21, in Brooklyn at the night community center. In a short time I was getting 200 kids a night and I devised all kinds of safety training schedules and staggered practices to assure that there would be no accidents because if the Board of Education knew that the Center Director had stuck his neck out to allow us to use the hallways, we would have had to close up shop.

After three years of work and running in every local meet imaginable, I phased out the boys from the program. My reason? Every program that existed in the community; every center and all interscholastic sports were set up for boys. The girls were not given anything. The Atoms became an all girls track team with the same goals and aims.

We then obtained a charter from the AAU and began to enter and travel to competitions outside of our locale and city. Most of our efforts at that time were centered around a young sprinter by the name of Linda Reynolds, who became a semi-finalist in the 200 meters at the U.S. Olympic trials in 1964.

Today, there are approximately nineteen Atoms attending various N.Y. Metropolitan Colleges, all attempting to better themselves. Some have given up the sport and are concentrating solely on their studies. Others are successfully pursuing both.

Our entry into big time athletics as we called it at the time, opened my eyes to the hardships endured by the athlete and the struggling clubs of this nation.

From 1960 to 1969 almost the entire financial burden of the Atoms fell upon my shoulders. I estimate that I spent from 1/4 to 1/3 of my salary each year on the team in that period of time. Why, because there was no funding source available to help us grow and this was the case even though we had five young women to qualify for the U.S. Olympic trials in 1968. In 1969, the Mayor's Commission on Youth and Physical Fitness in New York City heard of our plight, began helping us with no strings attached, and this has continued on some type of basis until the present year. Whatever we have received has been supplemented by whatever else I could raise, and of course my salary. The prospects for the remainder of this season are bleak. Funds are drying up at the Commission and I'm sitting here with a large team ready to go to the National Championships later next month and no funds available for our trip. I ask myself where else could this happen?

Two of my girls are Olympians. One of them received a silver medal for her efforts on the 1600 meter relay team at Munich. Two were gold medal winners at the Pan American Games. We have been sending girls abroad on U.S. international teams since 1969. We have won the National Championships Indoors three consecutive times and the Outdoors Championship in 1971. We were third last year. We have set the world's record for the mile relay twice,

numerous indoor American and Canadian records, and yet, we still have to hassle for funds to get to competition. Senators, recently we were in the position of having won the Indoor National Championships held on Friday, February 23, 1973 in New York with two of my girls qualifying to represent the U.S. in Richmond two weeks later against a Soviet team. By Monday, we were out of the place in which we were training because of finances. Where else in the world can an athlete who qualifies to represent her country on one day, be told two days later that her training facilities have closed to her.

During the spring and fall we get our distance training in Prospect Park in Brooklyn. A hazardous place for young athletes trying to get into condition. The entire month of April is usually spent climbing a fence every evening at Boys High Field in order to train for the upcoming spring meets. I guess I cut quite a figure scaling a fence with an attache case and a business suit 6:00 every evening.

All of this is to say that my circumstances are not unique. Clubs all over this country are floundering because there are no funds available for development and travel. It's a tragedy that a world class athlete who trains and sacrifices so much has to wonder whether he or she will get to the Championship meets which will qualify them for competition held abroad. The funds should be made available. Facilities should be available and better coaching should be available.

I coach young women and naturally I'm more interested in the events which led up to the U.S. Womens participation in Munich. During the three years preceding the Games I understand, and I'm citing an article written in January of this year by Bill Verigan of the *New York Daily News*, \$213,799 was given by the United States Olympic Committee for mens track and field Olympic Development. Over the same period (3 years) womens development was \$20,715. Less than \$7,000 a year to develop female Olympic potential competitors in a nation this large. Maybe those people who keep asking what happened to the women and criticize our program as not being viable have glossed over this little fact. Women, handicapped by the absence of a collegiate program have had to fend for themselves for years with little or no help or prospective help from the organizations designated to handle the task. Our womens team set up their training camp at the University of Illinois in Champagne. There was little opportunity to engage in any international competition as the long grind of preparing for the Nationals and then the trials was extremely time consuming. There was an attempt made to bring in a Canadian team for a U.S.-Canada dual meet in order to give the girls some last minute competition. The meet was held but it almost floundered because of a few thousand dollars needed to bring the Canadian team in, a sum I understand neither of the organizations responsible for our international participation was willing to spend. As a matter of fact, I was personally approached by some distraught coaches about interceding on their behalf with a television network to help them put on the meet. All of this in Olympic year.

I was in Munich last year. I was a color commentator for A.B.C with regard to the womens events. It was my first Olympics and I guess I was very keyed up about going. I left Munich after the Games somewhat stunned but I had learned a lesson, a hard bitter one that made me resolve never to come back or to send an athlete back to the Games unless they were absolutely ready for the things they would have to endure.

I spent most of my time in Olympic Village with the athletes. I had friends there from all over the world. There was a common bond amongst them, the individual love of competition. I saw all of the ugly developments first hand, the Rhodesian affair, the uneasiness of the American black athletes and finally the Israeli tragedy. I now realize that our nation is hated throughout most of the world. That many of our so-called friends relish the chance to embarrass us. That athletics are more than ever being used as an example of a way of life, a measure of the merits of one system of government as opposed to the other.

Senators, you have before you four bills relating to the possible establishment of a National Amateur Sports Foundation, the resolution of the athletes dilemma," why can't I compete where and when I wish?", and the undertaking of study as to whether we should continue to participate in the Olympic Games. I for one have never given thought to not returning but just towards

making sure that we are more adequately prepared when we do. I do not hear any clamor for us to back out of the Pan American Games when every year prior to the Olympics we clobber the nations to the north and south of us on this continent.

We need a National Amateur Sports Foundation! We do not need a political football with appointments made by the Chief Executive of retired military heroes or the like. We need a functioning paid executive at the head of the Foundation who is knowledgeable and will spend all of his or her time at the job. The Foundation should primarily be concerned with development. The present national governing bodies in track and field and seem to be more concerned with the sanctioning aspects of their power and their ability to disqualify competitors than in nurturing young competitors. The monies received for television exposure as of this date have not been funneled back into development.

Monies should be made available so that Clubs should be able to petition the foundation directly for financial aid. A knowledgeable staff is thus necessary.

The foundation should be instrumental in building new facilities itself, providing input into programming and encouraging, aiding and programming the efforts of municipalities towards this end. So much talent goes to waste in this country because of lack of exposure. Who is to say that kids in the major cities of our country who gravitate to basketball and track because these are the only type of facilities open to them, would not be as proficient or even better at fencing, gymnastics, ice skating and tennis, the so called minor sports.

Training camps in various places in the country should be maintained by the Foundation, where an athlete preparing for international competition would be able to petition to use the facilities for a period of time at the Foundation's expense.

The Foundation should be involved in softening the financial shock that many athletes with families suffer upon leaving their jobs and homes in order to represent the USA abroad.

The Foundation should pioneer extensive research into sports medicine and disseminate the results. It should also forward materials on technique and training upon the request of interested parties.

The organization of coaching clinics all over the country should also be a function of the Foundation because Senators, it is in this area that we are particularly weak.

Woven into the resultant legislation there should be a recognition of the dignity of the athlete who represents this nation abroad. Senators, your task is not easy. The suggestions above do not encompass the entire spectrum of activities I envision the Foundation getting involved in. We really have no time for studies and the like. 1976 and Montreal is around the corner. The time to begin is now.

Senator PEARSON. There are no more witnesses today. I would only add a brief remark concerning the subject matter of our hearings.

I was shocked and amazed to learn that the International Amateur Swimming Federation may suspend American swimmers from international competition if they participate in a swimming exhibition in the People's Republic of China.

When amateur athletes in this country are prevented from engaging in a mission of good will by international sports bureaucrats, it is time for a thorough reorganization and reevaluation of amateur sports programs, both on a national and international level.

This decision, coupled with the testimony we have received to date, indicates that athletes are literally at the mercy of those who govern sports.

It only fortifies my conviction that the Congress of the United States must act to terminate the endless obstacles facing athletes and the development of amateur sports in this country.

Senator TUNNEY. I think that our first 2 days of hearings have been productive and most educational for me and the rest of the committee.

It has been established beyond question that the Congress can no longer remain silent on the problems which beset amateur sports in this country.

Certainly we have also discovered that all of our problems require fundamental long-term solutions which we can hopefully generate in legislation.

Some of our problems are very immediate, such as restructuring our Olympic effort in time for 1976. We cannot afford another Munich.

All deserve the fullest attention of the committee. So I am hopeful that we can move immediately to solve those problems which are most pressing—but at the same time work together to develop legislation which will offer broad-based effective answers to the troubles of amateur sports.

Each of the Senators who has been sitting in these hearings has a commitment, first and foremost to defending the interests of the amateur athlete. I believe our collective perspectives is a prerequisite to solving these problems.

Therefore, I think I speak for my colleagues as well as for myself when I say that we will devote the highest priority to combining our concerns and writing legislation which will promise, for the long term, a situation which offers amateur athletes the best possible environment in which to compete.

We must have effective answers to the problems about which we have been hearing and I think that we will.

These hearings are adjourned until 9:30 tomorrow morning in this room.

[Whereupon, the committee was adjourned at 1 p.m., May 23, 1973; to reconvene at 9:30 a.m., May 24, 1973.]

AMATEUR SPORTS

THURSDAY, MAY 24, 1973

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C.

The committee met at 9:35 a.m., in room 1318, New Senate Office Building, Hon. John V. Tunney presiding.

Senator TUNNEY. The committee will come to order.

Today the committee is very pleased to have the opportunity to welcome some of our colleagues from the House side before the committee to testify on the various bills that are before us.

I would like to welcome the Honorable Peter Peyser, Congressman from New York.

Thanks very much for taking the time and the interest, Congressman, to come over and give us the benefit of your views.

STATEMENT OF HON. PETER PEYSER, U.S. REPRESENTATIVE FROM NEW YORK

Mr. PEYSER. Thank you very much, Mr. Chairman. I am delighted to have this opportunity to be here and also to congratulate you on chairing this committee and bringing this problem very directly in front of the Senate.

We, as you know, in the House have been working to arrive at legislation to handle what I believe to be a crucial problem facing the American athletes today.

Now, I have prepared, Mr. Chairman, testimony that you have, and I will really, rather than go through this in detail, talk briefly concerning my feelings and some of the points that have been involved here. Then if there are any questions by you or any of the members, I would be glad to answer them.

Senator TUNNEY. Fine. We will include your statement and attachments in the record, so say anything you like.

Mr. PEYSER. I think very briefly I would like to point out how my involvement in this affair began.

Briefly, it started at the time of the Soviet-American track meet in Richmond where I became aware of the restrictions that were being placed on American athletes from competing in this meet. These were restrictions that were placed by the NCAA because the AAU did not apply for sanctioning by the NCAA.

It looked so simple to me at that time that I decided to call the NCAA and the AAU and talk to the heads of their organizations and see if we couldn't resolve this matter. It seemed very simple on its face.

The more I got into it, the more I recognized how absolutely determined these organizations were not to get together. And as later testimony proved before the O'Hara committee in the House on which I was sitting, by their own statements they found it either impossible or extremely difficult for them ever to reach an agreement on their own.

I really took a great exception to the stand of both of these organizations, and I felt from a governmental point of view we had a real responsibility, because, in effect, we are asking our athletes to make sacrifices and to dedicate themselves to represent the United States in international athletic competition, and as a government, when our athletes get caught in the power struggle between the NCAA and the AAU, we have simply been saying, "Well, now you're on your own. Take care of yourselves."

And I just wonder how long we are going to let these young men and women be bullied by what I see are nothing more than power brokers in the amateur sports world.

So I felt very strongly when I began to dig into this and look at the efforts on the part of General Douglas MacArthur years ago, on the part of then Vice President Hubert Humphrey, the Kheel report, all of these efforts that have been made, and yet we are still in exactly the same position we were nearly 30 years ago in respect to these organizations. Thus, I feel it is time for a very definite action.

I have introduced legislation of my own calling for the establishment of a sports commission that will handle only the question of international eligibility of amateur American athletes and nothing beyond that, because basically I do not feel that the Federal Government should be involved in the total sports picture in our country.

I do not want to replace the NCAA or the AAU. I think they have both served some very valid functions. I think they have both lost sight of the very reason that they were created, and that was to serve the athletes.

Yes, sir?

Senator TUNNEY. I don't want to interrupt you, but just on that point we have a number of bills that are before us. We have the Gravel bill, we have the Pearson bill, we have the Cook bill, and we have the Stevenson bill. We have my bill.

Have you had the opportunity to evaluate the four bills or the five bills that are before the Senate? And I was thinking in contrast to what you were saying that you aren't interested in eliminating the NCAA or AAU.

I wouldn't imagine that any Senator who has introduced legislation would want to eliminate the NCAA or the AAU. It's just that it was felt by most of the people here that we ought to eliminate that internecine warfare between the two organizations which operates to the detriment of the athlete. A person at college isn't able to participate in a basketball match with the Soviets because it's an AAU-sanctioned match. It's that kind of thing that I think all of us are concerned about.

And I think speaking for Senator Cook and Senator Pearson and myself—I have had an opportunity to discuss this question at length with them—we are not interested in creating a Federal barony.

What we want I think is to get some kind of Federal direction, perhaps sanctioning of these various associations so that we will eliminate the conflict between the two, by which the athletes will benefit.

Mr. PEYSER. I think this is basically our aim.

To answer your question, I have had the opportunity of looking at the bills before the Senate, and my feeling is that the commission program as outlined in Senator Cook's bill probably comes closest to what I would be thinking about, except I believe Senator Cook's bill goes too far.

He encompasses the total domestic picture as well as the international picture. In looking over the history though, we find the main conflict where American athletes get caught is in the international scene. That is where the battle seems to come in. And this is where we as a country get hurt.

I would think, just as I think about the House proposals, where we have two major bills, the O'Hara bill and my own bill, that we are going to have to do some blending together of these pieces of legislation. I feel the same way about the bills that you have in the Senate. There can be a putting together of these and hopefully then aligning them in our conference to arrive at a workable bill. Our aims are exactly the same.

And the one concern I have is that somehow between the Senate and the House we are not going to move ahead to actual floor action. We have struggled over the years, as I see the history of this matter, but none of the numerous proposals in the past have ever been acted on before. They never seem to reach a point where somebody gets down and votes and legislates.

I came under some criticism, for instance, about 2 weeks or 3 weeks after the hearings we had. And at those hearings, incidentally, the letter from Senator Cook with the signatures of nearly 53 members of the Senate was instrumental certainly when I presented this letter to the NCAA in releasing American basketball players to compete with the Soviets in the recent basketball tournament.

And people then criticized me afterwards in the press. They said, "Well, now, it looks like the NCAA and AAU have bought their way out of this. They've thrown you a bone, and now you'll let it go just the way it has always gone in the past."

And, frankly, it has taken us since that time nearly a month or more to get the hearing reinstated in the House, which it has been now, and the O'Hara committee has reported out a bill, and hopefully we are going to bring a bill and legislation before the whole committee.

But I think that it is imperative that we move. I resent what I have seen happening with these two organizations. I have heard from athletes all over the country, as I am sure you have, and, to show you the depths of their concern, I hear from many athletes who say, "Don't use my name in this because I don't want to get in trouble."

This is ridiculous that amateur athletes should have the feeling, even if they just have the feeling, that somehow punitive action can be taken against them by either one of these organizations. And I think it's time for the change.

I think we have got to move ahead on this thing. I don't think it should be a matter that we end up letting the courts decide who

should be competing and who shouldn't be. I think the legislation ought to empower a body to make that decision and to give our athletes a free hand to compete and do the job that they really devote their lives to trying to do for us.

That, basically, Mr. Chairman, is my testimony. I am urging we come up to action here.

If there are any questions or any further thoughts I can answer, I would certainly be pleased to.

Senator TUNNEY. I have a couple of further questions. What do you think the chances are in the House to get action on your bill or a combination of your bill and Congressman O'Hara's bill?

Mr. PEYSER. Well, I have spoken to the chairman of the Education and Labor Committee, Chairman Perkins, and he has assured me that we will bring the bill up before the full committee as soon as possible. At this point there is some other pressing legislation that is still being worked on. But we will get it up before the committee.

And I am convinced, and I am really dedicated to get this thing to the floor, and I think we will get it to the floor.

I think an interesting thing is we have some outstanding people in the House. I know you are going to hear from Congressman Metcalfe this morning. Congressman Metcalfe and Congressman Mathias, both being past gold medal winners, are very anxious for this legislation. Minority Leader Jerry Ford in the House has supported moving on this. John McFall, who happens to be the Democratic Whip, has enthusiastically supported this.

And I think we have got a broad base of support, and it is not a political issue. There is not a Democrat/Republican kind of a thing going here. And I am confident we are going to get it.

Senator TUNNEY. That is very good to hear.

I would like to ask you about the bill that I have introduced which Congressman Metcalfe has introduced on the House side which is to appoint, or have the President appoint, a nine-member Olympic Commission to investigate the Olympic Committee, the U.S. Olympic Committee, and make recommendations by January. Originally it was August but I have amended it to be January of 1974 in order that we could make those necessary changes before the next Olympics.

Do you have any opinion on that legislation? Would it go to the Labor and Education Committee on the House side or would it go to Commerce?

Mr. PEYSER. Well, I think based on what has happened with it going already to the Education and Labor Committee that we would see it come there at this time because of the amount of work that has gone into it.

Incidentally, I support a commission that would study what is happening in the Olympic situation. I think it is desperately needed. We have heard from people within the Olympic Committee who are urging that action be taken within the Olympic Committee to bring about a revitalization, if you will, and a change in its procedures. So I would certainly support that.

I don't think that in any way is in conflict with what we are suggesting with the NCAA and AAU and the international meets and this type of thing. So I would definitely support you.

Senator TUNNEY. I agree with you it is a one-shot deal.

Mr. PEYSER. That's right.

Senator TUNNEY. But, if we don't have reform of the American Olympic Committee before the next Olympics, we might not be participating in any more Olympics. And I think it is just absolutely essential.

We are very fortunate that we do have at least on this committee I think some real openmindedness on the part of various Senators who have introduced legislation to try and fashion legislation which will achieve the results that you want and I want and all of us want.

Senator Pearson.

Senator PEARSON. Congressman, I apologize for being late. I am reading your statement right now. I will read it and study it. And I want to commend you for your past efforts to do something about what most of us are now persuaded is beyond the stage of negotiation. Maybe we are at the stage of confrontation.

But what you said about the chances of action in the House—and I recognize again when you recite the names of some of the House Members who have great personal experience in this—perhaps there you are going to have a better understanding than we have in the Senate. But I think we will do something, and I look forward to working with you on this matter, and I commend you for your past efforts.

And, once again, I will read your statement.

Mr. PEYSER. Thank you very much.

Senator TUNNEY. Congressman, I would also like to join in congratulating you on your statement, and I think it is a good thing that you are showing such leadership in this matter in the House of Representatives.

I would hope that we would be able to cooperate in our efforts with you so we can get a bill this year.

Mr. PEYSER. I assure you we in the House would certainly be willing to work together in the structuring of any legislation even before introduction if we could to make it move as rapidly as possible, because I think we do have a commitment, and we want to go ahead.

So I thank you for letting me appear this morning.

Senator TUNNEY. Thank you very much. Thank you for coming. You have made a fine contribution.

[The statement follows:]

STATEMENT OF HON. PETER A. PEYSER, U.S. REPRESENTATIVE FROM NEW YORK

Mr. Chairman: I am pleased to appear this morning to testify on these bills concerning amateur athletics. It is my belief that the time has come for the Federal Government to take action in order to protect our amateur athletes. This is philosophically alien to the position which I would normally take with regard to Federal involvement in the private sector. However, in this instance, I am convinced that our amateur athletes need protection from the abuses of the feud between the National Collegiate Athletic Association and the Amateur Athletic Union. These organizations, which were created to serve our amateur athletes, instead victimize these athletes, and necessitate Federal involvement.

My experience in this current feud began with the controversy surrounding the US-USSR indoor track meet at Richmond, Virginia. As everyone is by now familiar, the NCAA refused to sanction the meet unless the AAU applied to the United States Track and Field Federation for certification. Since the

AAU has never recognized this federation, it refused to apply for the certification.

I intervened in this conflict because I felt that it was essential for all of our amateur athletes to have the opportunity to compete in this meet. My own belief is that international amateur athletic competition is enormously valuable, and that such competition should be encouraged. It should not be jeopardized by a power struggle between the NCAA and the AAU.

In an effort to mediate this dispute, I offered to fly to Indianapolis and see if some sort of compromise could be made by the AAU. Unfortunately, both sides were unyielding, and the NCAA athletes could not compete. It was because of the non-participation of these athletes that the United States lost the meet. This is the conclusion of the coach of the American team, Brooks Johnson, which he conveyed to me in a letter dated March 22, 1973. I have included a copy of this letter with my testimony.

After the Richmond meet, hearings were held on a bill which I introduced in the House, HR 5624. The overwhelming consensus of opinion was that some action should be taken against these two organizations, in order to protect our athletes. One of these witnesses called was the executive-director of the NCAA, Mr. Walter Byers.

At the time that Mr. Byers testified, another senseless conflict was raging between these two organizations. This concerned the basketball tour that the Soviet team, which defeated the United States at the Olympics in Munich, was scheduled to make across the United States. The tour was sponsored by the AAU, but not sanctioned by the NCAA. Thus, NCAA athletes were forbidden to compete.

While I was questioning Mr. Byers during the hearings about this NCAA ban, I received a letter circulated by Senator Cook, and signed by 57 Senators, requesting Mr. Byers to rescind this ban, and allow the athletes to compete. When I notified him of the letter, and mentioned that he had the power under the NCAA by-laws to do this, he reluctantly agreed to let the athletes play.

These experiences have led me to the conclusion that the Federal Government must take action in order to protect our amateur athletes. They are the victims of this power struggle, and they are being used as pawns, without concern for their welfare or their careers. The schools are also suffering as a result of this feud, and they also look to the Federal Government for relief.

The two parties have testified that they cannot and will not solve this problem themselves. The years of arbitration attempts have been futile. My own efforts at mediation have resulted in the firm conclusion that neither side is willing to arbitrate in good faith. They have selfishly put the interests of their organizations ahead of the interests of the athletes and of the country.

Yet a solution must be found. I favor, with certain modifications, the adoption of Senator Cook's bill, S. 1192. My reservations with the proposal center on its relationship with domestic athletics. I am not sure that it should be the province of the Federal Government to control domestic athletics, or to go as deeply into what I consider to be the domain of the individual athletic institutions, as S. 1194 would go.

I heartily endorse the commission with the power to govern in international athletics. This is the substance of the bill which I have introduced in the House, and which has received much support. The Commission can afford the athlete protection from the abuse of the feud, and guarantee the cooperation of the organizations, so that our international amateur athletic programs do not remain in jeopardy because of this power struggle.

[H.R. 5624, 93d Cong., 1st sess.]

A BILL To protect collegiate and other amateur athletes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this act be cited as the "Federal Scholastic and Amateur Sports Act of 1973".

STATEMENT OF FINDINGS

SEC. 2. The Congress finds that—

(1) amateur collegiate and other types of amateur competition perform a useful role in the development of the individual and the enrichment of his experience;

(2) athletic competition between citizens of different nations provides a valuable exchange of cultural and personal ideas, and thereby contributes substantially to the ideals of international cooperation in all fields;

(3) the diffusion of authority over amateur athletics among various organizations in the United States has resulted in a lack of coordination which handicaps the individual athlete in international competition;

(4) the United States has a vital interest in assuring that its amateur athletes are offered the greatest support in their training and development in order that they will be able to successfully represent the United States in international athletic competition;

(5) collegiate and other athletes should be given the widest latitude in relation to the development and refinement of their athletic talents; and

(6) the lack of cooperation and coordination among the existing amateur athletic organizations affecting amateur athletes of the United States have not provided for either the best interests of the amateur athletes of the United States in international competition.

DECLARATION OF PURPOSE

SEC. 3. The Congress hereby declares that—

(1) it is the purpose of this Act to protect and promote the interests of the collegiate and other amateur athletes in the United States engaging in international competition by establishing a Federal Scholastic and Amateur Sports Commission;

(2) it is the purpose of the Commission to promulgate rules and regulations which will improve the coordination of the various amateur athletic organizations as they affect the competitive ability of American athletes in international athletic competition;

(3) it is the purpose of the Commission to promote friendly international amateur athletic competition among nations and between amateur athletes;

(4) it is the purpose of the Commission to study all factors of collegiate and other organized amateur athletic competition which relate to the safety and health of athletes when the Commission believes there is a need for such a study.

SEC. 4. As used in this Act—

(1) the term "amateur athlete" means an athlete who is not remunerated for his athletic performances, except for the payment of expenses incurred incident to his athletic performances;

(2) the term "international athletic competition" means athletic competition in which an athlete or athletes of the United States compete with or against an athlete or athletes of any other nation;

(3) the term "amateur organization" means any organization which sponsors, sanctions, organizes, or in any other manner controls or supervises the conduct of amateur athletic competition in which citizens of the United States participate.

FEDERAL SPORTS COMMISSION

SEC. 5. (a) A commission is hereby created and established within the Department of Health, Education, and Welfare to be known as the Federal Scholastic and Amateur Sports Commission (hereafter referred to as the "Commission") consisting of five Commissioners who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as Chairman. The Chairman shall be the principal executive officer of the Commission and, when so designated, shall act as Chairman until the expiration of his term of office. Any member of the Commission may be removed by the President for neglect of duty or malfeasance in office but for no other cause.

(b) The Commissioners first appointed under this section shall continue in office for terms of three, four, and five years, respectively, from the date of enactment of this Act, the term of each to be designated by the President at the time of nomination. Their successors shall be appointed each for a term of five years from the date of expiration of the term for which his predecessor was appointed and has qualified, except that he shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office and except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term.

(c) Not more than two of the Commissioners shall be appointed from the same political party. At least three of the Commissioners shall have an official relation to any national or international amateur athletic organization but no more than one member may be chosen from any one such organization.

(d) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(58) Chairman, Federal Scholastic and Amateur Sports Commission."

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(96) Members, Federal Scholastic and Amateur Sports Commission."

(c) No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission. Three members of the Commission shall constitute a quorum for the transaction of business. The Commission shall have an official seal of which judicial notice shall be taken. The Commission shall annually select a Vice Chairman to act in the absence or in the case of the disability of the Chairman or in the case of a vacancy in the office of Chairman.

(f) The Commission shall maintain a principal office and may meet and exercise any or all of its powers at any other place. The Commission may, by one or more of its members or by such agents or agency as it may designate, prosecute any inquiry necessary to its function anywhere in the United States. A Commissioner who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Commission in the same matter.

(g) The Commission shall prepare and submit to the President for transmittal to the Congress on or before October 1 of each year a comprehensive report on the administration of this Act for the preceding fiscal year. Such report shall include—

(1) a thorough appraisal, including statistical analyses, estimates, and long-term projections, of the status of amateur sports including, but not limited to, the condition of relations among other amateur sports organizations, the status of efforts to improve safety and health in athletics, the development of programs designed to promote and improve the performance of American athletes in international competition, the status of research into methods for the construction and improvement of athletic facilities, and reports on any problems which may be found to exist in the Commission's jurisdiction;

(2) an evaluation of the degree of observance of Federal amateur sports rules and regulations, including a list of enforcement actions, court decisions, and compromises of alleged violations;

(3) a summary of outstanding problems confronting the administration of this Act, in order of priority;

(4) a list, with a brief statement of the issues, of completed or pending judicial actions under this Act;

(5) the extent of cooperation between the Commission officials and various organizations in the implementation of this Act, including a log or summary of meetings held between Commission officials and other interested parties; and

(6) an appraisal of the significance and potential effects of any legislation at the State, local, or Federal level which relates to the responsibilities of the Commission.

(h) That report required by subsection (g) shall contain such recommendations for additional legislation as the Commission deems necessary to remedy problems which relate to its jurisdiction.

(i) The Commission shall appoint an Executive Director and such other employees as are necessary in the execution of its functions. Commission employees shall be subject to the provisions of title 5, United States Code, governing appointments in the competitive service.

FEDERAL SPORTS RULES

SEC. 6. The Commission shall have authority to promulgate rules or other regulations which relate to the participation of amateur athletes of the United States in international athletic competition. Rules or other regulations promulgated pursuant to the authority vested in the commission by this subsec-

tion shall preempt any other rule or regulation of any other association which relates to participation of amateur athletes of the United States in international competition.

ADMINISTRATIVE PROCEDURES

SEC. 7. Administrative proceedings of the Commission shall be conducted in accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code, and judicial review, in accordance with Chapter 7 of title 5, United States Code.

SPORT ADVISORY COUNCIL

SEC. 8. (a) The Commission shall establish an Amateur Sports Advisory Council which it may consult before prescribing a sports rule or regulation. The Council shall be appointed by the Commission and shall be composed of eight members, each of whom shall be qualified by training and experience in one or more of the fields within the jurisdiction of the Commission. No member of the Council shall have held any official position with any organization whose activities related to the jurisdiction of the Commission.

(b) The Council may propose amateur sports rules and regulations to the Commission for its consideration and may function through subcommittees of its members. All proceedings of the Council shall be public, and record of each proceeding shall be available for public inspection.

(c) Members of the Council who are not officers or employees of the United States shall, while attending meetings or conferences of the Council or while otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Commission, not exceeding \$100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Payments under this subsection shall not render members of the Council officers or employees of the United States for any purpose.

SEC. 9. The Commission or any three members thereof, as authorized by the Commission, may conduct hearings at its office or otherwise secure data and expressions of opinion pertinent to the jurisdiction of the Commission. The Commission shall publish notice of any proposed hearings in the Federal Register and shall afford a reasonable opportunity for interested persons to present relevant testimony and data.

(b) The Commission shall also have the power—

(1) to require, by special or general orders, amateur sports organizations, individuals, and other associations to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in the case of disobedience to a subpoena or order issued under this subsection, to invoke the aid of any district court of the United States in compliance with such subpoena order;

(5) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraphs (3) and (4) of this subsection; and

(6) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(c) Any district court within the United States within the jurisdiction of which any inquiry is carried on may, upon petition by counsel for the Commission, in case of refusal to obey a subpoena or order of the Commission under subsection (b) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(d) The Commission is authorized to enter into contracts with governmental entities, private organizations, or individuals for the conduct of activities authorized by this Act.

(e) The Commission is authorized to establish such policies, criteria, and procedures and to prescribe such rules and regulations as it deems necessary to administer this Act and its functions hereunder. Unless otherwise specified, the provisions of title 5, United States Code, section 553, shall apply to such proceeding.

COOPERATION WITH FEDERAL AGENCIES

SEC. 12. The Commission is authorized to obtain from any Federal Department or agency such statistics, data, program reports, and other materials as it may deem necessary to carry out its functions under this Act. Each such department or agency is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such materials to it. The Commission and the heads of other departments and agencies engaged in administering programs related to amateur athletics shall, to the maximum extent practicable, cooperate and consult in order to ensure fully coordinated efforts.

ENFORCEMENT INJUNCTIONS

SEC. 13. Upon applications by the Attorney General, the district courts of the United States shall have jurisdiction to enjoin the Commission of acts in violation of any rule or regulation issued pursuant to section 6, and to compel the taking or any action required by this Act.

INTERPRETATIONS AND SEPARABILITY

SEC. 14. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to any other person or circumstances shall not be affected thereby.

SEC. 15. There are authorized to be appropriated for the purposes of carrying out the provisions of this Act, the following sums: \$500,000 for the fiscal year ending June 30, 1975; \$500,000 for the fiscal year ending June 30, 1976; and \$500,000 for the fiscal year ending June 30, 1977.

Senator TUNNEY. Let me say to my colleague that Congressman Metcalfe is a gold medal winner as you probably know.

Senator PEARSON. I know.

STATEMENT OF HON. RALPH H. METCALFE, U.S. REPRESENTATIVE FROM ILLINOIS

Mr. METCALFE. Thank you very much, Mr. Chairman and distinguished members of the Senate Commerce Committee.

It is a pleasure for me to be here this morning to testify about an area that is very close to me, amateur athletics.

As most of you know, I am a two-time former Olympian having been in both the 1932, and 1936 Olympics.

I presently serve on the board of directors of the U.S. Olympic Committee, and I am the Illinois State Chairman for fund raising for the U.S. Olympic Committee.

I would like to add, further, that I was a guest of the German Government at the Munich Olympics last summer. I also served as a member of the National Sports Arbitration Board to resolve the dispute between the Amateur Athletic Union and the National Collegiate Athletic Association. This Board was established pursuant to S. Res. 147, 89th Congress, 1st Session, to determine disputes relating to the conduct, development and protection of amateur athletics.

The members of the Board were Theodore W. Kheel, nationally known arbitrator, chairman; Archibald Cox, former Solicitor Gen-

eral during the Kennedy and Johnson administrations; Thomas Vail, publisher of the "Cleveland Plain Dealer," General David Shoup, and myself. The Board was appointed by then Vice President Hubert Humphrey.

We held hearings throughout 1966 and 1967 for a total of 18 times with numerous executive and/or informal hearings throughout this 2-year period. At the end of 1967 we submitted to this committee our final report with recommendations.

I point these things out only to show my long standing interest and concern in the field of amateur athletics.

Neither the arbitration that was imposed upon these parties in 1962, under General Douglas MacArthur, nor the arbitration and moratorium set up by Chairman Magnuson in 1965, and the recommendations that the Kheel report put forth are being followed by the AAU and the NCAA.

The major problem that the Kheel report saw was stated in its conclusion:

The welfare of millions of fine young athletes demands an immediate end to the mutual aggressions and reprisals of NCAA-USTFF and AAU. Each has been treating fine young athletes as pawns in a struggle for power, and then blaming the fault on the other.

The legislation that this committee is now considering relates to the future of amateur athletics in this country. That future is at stake.

Prior to the departure of the U.S. Olympic team from this country to Munich last summer, I had the honor to address the team in the Hall of the House of Representatives. I tried to emphasize then, as I will try to emphasize now, that the most important part of athletic competition is not the winning or the losing, but the manner in which an individual competes or is allowed to compete.

These hearings are an attempt to put our own house in order, and I will address myself to what I see are some of the problems within the realm of amateur athletics and how these problems may or may not be solved.

The individual athlete and the prestige of America are diminished as long as this conflict between the AAU and NCAA exists. It seems rather ironic that the ideal of athletics, as espoused by the Greeks and exemplified by the Olympics, is now being used to control the lives and destinies of so many persons.

The goal of the modern Olympic games is to afford the athlete wholesome competition. There is no such thing as national team competition nor is there any place for it within the Olympics. It is not the Russians versus the United States. It is an individual representing one nation versus an individual representing another nation, in individual competition, the highest form of democracy. Nothing else can be tolerated in the athletic arena.

We must not only field our best athletes, as all other countries must also do, but we must let the athletes compete without any clouds hanging over that arena. Overtones of ethnic and/or racial discrimination must be kept out of amateur athletics, as well as political overtones.

The International Olympic Committee has the sole responsibility for conducting the Olympic competition and has designated a body,

known as the United States Olympic Committee, as their authorized agent to determine the eligibility rules and regulations for the United States as set forth by the IOC. The USOC has held tenaciously to the authority granted them for the selection of the teams, conducting the games, and determining the eligibility rules. The IOC accepts only the decisions of the USOC.

The USOC has designated the AAU as the sole body to determine the eligibility of athletes and the sanction of competition for all 13 Olympic sports. Each sport has its own organization or federation that is recognized by the AAU, which is composed of memberships representing various groups, including the NCAA. The AAU has held steadfastly to the idea that they are the sole governing body to determine who should represent the U.S.A.

The NCAA argues that it should have more voice and influence in the selection of the Olympic teams. Their argument is that they provide the stadiums and develop the athletes, through their athletic programs, that are ultimately selected for the Olympic team.

To counter the AAU, the NCAA established in 1962 the U.S. Track and Field Federation (USTFF) to provide athletes who have graduated, as well as those who are still undergraduates, and others an opportunity for national as well as international competition. Therefore, they argue that they should not have to have the sanction of the AAU. This has given rise to the refusal by the AAU to recognize the USTFF athletes unless they have their sanction.

It is this impasse, in my judgment, which necessitates that Congress intervene and enact legislation to resolve this longstanding problem. Congress must intercede since these organizations, for approximately 50 years, have not been able to resolve it. Rather, it has worsened to the degree that the United States is unable to field its best athletes in international competition, and the prestige of America in amateur sports is at stake. For when one country cannot bring its best athletic team together for an event, or even the best individual for head-to-head competition, then all who participate in the competition suffer.

This is not the only country that does not field its best athletes. Others do it in more subtle ways, or they blatantly discriminate against some of its citizens. In the 1968 Mexico City Olympic Games, South Africa was denied the privilege of competing because of its apartheid policy, because black athletes were not permitted to compete against white athletes at home in South Africa.

Rhodesia was prevented from participating in the 1972 Olympic Games in Munich because of its policy of discrimination against black citizens of its own country.

Further, Rhodesia had declared unilateral independence in 1964, and, thus, the international community of nations refused to recognize Rhodesia as a country.

The modern Olympic Games were inaugurated in 1896 after 15 centuries had passed since the ancient games were held. The ancient games were terminated because of the corruption and a failure to adhere to the original concept of competition.

The modern games are on the verge of being faced with the same problems unless the IOC completely revamps its programs and its

objectives. It is, therefore, necessary, in order to preserve the integrity of the Olympics, to redefine amateurism and to make it more honest, credible, and realistic.

Further, the Olympic motto, in order that it survive, must be revised so that only countries that follow the true tenets of fair play, decency, and sportsmanship and the recognition of the equality of man would be eligible for competition. This would remove the uncertainty and divisive forces that placed shadows over the 1968 and 1972 games. This is likely to reoccur again unless corrective steps are taken.

The bills that are before this committee are addressing themselves to this problem of the fate of amateur athletics both nationally and internationally.

In the interest of time, Mr. Chairman, I will skip over in my prepared text the analysis of the bills and go to your bill, S. 1018, which was introduced by you, Senator Tunney. It would establish a National Commission on the Olympic Games. This bill directs itself to the Olympics and the problems that arise in that arena.

The Commission would study the problems that are associated with amateur athletics and make recommendations to the Congress before the start of the next Olympic year as to what should be done to strengthen this country's participation.

I introduced H.R. 5617, the companion measure to this bill, in the House of Representatives.

I perceive the solutions to the amateur athletic problems to be centered around the constant feuding of the AAU and NCAA. Since neither one of these organizations wants to cooperate with the other on a full-time equal basis, the Congress must act to fill the void and correct the problems for the benefit of the athletes.

Since all of the problems of amateur athletics have not been brought out into the open and thoroughly examined, I see the need to have a dispassionate group of concerned individuals examine all of the problems and make recommendations to this body for their consideration and appropriate action.

It would be incumbent upon this Commission to study the whole concept of amateurism and to redefine it so that all parties, both nationally and internationally, would understand what an amateur athlete is in more realistic and honest terms. This Commission would also look into the Olympic creed and motto so that it becomes more realistic and honest, while at the same time reaffirming the true concept of athletic competition. Anything less than that would be to pervert this concept.

I see the Commission as an entity which would be an honest vehicle for constructive change within amateur athletics. This Commission can put into a positive conceptual framework ideas and concepts that will update the term "amateur athletics" so as to make amateurism more meaningful, honest, and realistic. All of the legislative proposals offer a better alternative to the chaos that now exists.

I think, though, that there is a definite need for this Commission, so that when constructive legislation comes forth—and hopefully that will be soon—it will be the product of progressive thought.

This committee is to be commended for its realistic approach to this problem, for without this type of action the future of international competition will be in peril.

Thank you very much.

Senator TUNNEY. Congressman Metcalfe, let me first compliment you on an excellent statement. You bring a unique combination of experiences and skills to the discussion. You not only are a great athlete but also you are a member of the board of directors of the USOC and, in addition, you are a legislator of distinction. So you are—

Mr. METCALFE. And I raised money for the Olympic Committee. I was head of the State of Illinois fund raising for the Olympic Committee.

Senator TUNNEY. Your views are particularly important to us in our consideration of various bills.

I would like to just ask you a couple of basic questions with respect to the USOC.

Do you think that there is any chance of changing the USOC from within? Or do you feel that it is going to take some outside impetus to force the changes upon it?

Mr. METCALFE. As to changing it from within, the answer is categorically no. I feel the necessity for the changes to be made from outside, and that is the reason I said that this is the proper body to bring about that change.

Senator PEARSON. Would you yield just a moment?

Senator TUNNEY. I yield.

Senator PEARSON. Congressman, even if we were mistaken and the USOC did change its rules, did restructure itself, wouldn't it still be encumbered by the existing feud between NCAA and AAU?

Mr. METCALFE. Yes, because, in the first place, it's not going to change its rules. History gives us that background. It's not going to change its rules, Senator. Because if we trace the history of it first from 1962 when Gen. Douglas MacArthur was called in to settle the dispute when there was a question of whether or not we were going to field a good team in 1964, and then in 1966 when this committee, the Commerce Committee, under Chairman Magnuson, appointed this sports arbitration board that I sat on, I would only have to say that you would have to sit in those frustrating meetings as we did for 18 days across the country, I mean, to see the lack of give and take.

And I think that the reason for it is that there is no overhead thrust. The Olympic movement has always prided itself on being free from politics. Now, that is not really true. It is free from political politics, governmental politics, but it is steeped in its own politics, and so, therefore, there was no coercion, no effect to bring it together for more realistic terms in order to achieve the goals that we are commonly talking about, the opportunity of an athlete to be able to compete without any encumbrances, and, the same thing, to be able to field the best team.

Let me suggest to you that as a former athlete and as a coach one cannot—and I think this will not be contradicted—one cannot really prepare himself for the top competition while there is an uncer-

tainty in his mind as to whether or not he's going to compete. He cannot do that.

He must have the assurance that he is going to compete, that the goal is there, that he has to achieve that goal.

I hope I have attempted to answer your question. It has been a little long.

Senator PEARSON. Thank you.

Senator TUNNEY. I am interested by this question of amateurism and what constitutes amateurism. I think all of know that in other countries the athletes are supported by the State and they can devote their full time and attention to their athletics as they prepare for the Olympics.

Do you have any thoughts as to kinds of reforms that we would need to have in the IOC perhaps in addition to the USOC in order that we can strip some of the hypocrisy from the word "amateurism" as it is applied and as it is implemented in Olympic competition.

Mr. METCALFE. There are two thrusts that I attempted to bring out in my statement. One was the absolute need to redefine and make more realistic the question of amateurism, and so I see the need for us to do that.

And even this morning I saw on the news where there was a tennis player and he was talking about the falsity of amateur athletics and how they are paying under the counter and the other things.

I see the need for us to change. While we very piously point our fingers to other countries and say that they have professionals because they provide jobs for those athletes and they are being paid while they would normally be working, they come back and say, "Well, you give scholarships, and you give awards to your athletes, so you're no different."

I think that we have got to really have a complete renovation of the term "amateurism" and make it more realistic. And the important reason is that sports is supposed to train our youth to become men. It's supposed to train them for morality and what is right and what is wrong. And it's fallacious for us to bring athletes up and then knowing perfectly well that they are going to be dealt with under the counter or they are going to be exploited in the true name of amateurism so as to then enhance the coffers of the sponsors of the committee.

I think that the athlete has to be given a reasonable per diem based on the strength of what our economy is today. I think his transportation has to be paid. And I think that there are many other areas which will have to be dealt with.

And, therefore, I am so impressed with the need for a commission as called for in your bill, Mr. Chairman, and that I concur with in my bill, because it's not going to be easy to come up with the language that is realistic, because I think it ought to be language that we ought to be able to live with for 50 or 100 years from now. But I do see the need for redefining it so as to make it realistic.

Senator TUNNEY. And what about the question of nationalism in the Olympics? We have received suggestions that perhaps when the awards are given the Olympic flag ought to be run up and instead

of playing the national anthems we ought to have some sort of Olympic anthem played and what we ought to be doing is glorifying the athlete rather than glorifying the country. We should not be creating situations as we had at Munich in which everybody was appalled by the thought that international politics was being played out in the arena and in the pools of those games and that somehow it was being projected that maybe the East Germans had a better system of government because they were having more success with their athletes than other countries of comparable size who have a different form of government.

What is your thought with respect to that?

Mr. METCALFE. Well, I think this pretty much goes to the heart of my second thrust. Because we have been guilty of politics. I happen to know this from the 1936 Olympic games. And that is when we left two Jewish boys off of our team. They made the team. They made the trip to Berlin. But in deference to Adolph Hitler and the Nazi program they were denied the right to participate. We played politics in that particular instance, and we are as guilty of any dirty politics that they may refer to.

And there have been other instances where fairness has not been dictated in the selection of the 400-meter relay team in which I participated. It was politics. Because Dean Cromwell wanted his two men to represent the Olympic team, and yet they were the last two to make the Olympic team.

And I see the need for us to be more realistic in terms of the athletes representing their countries, and I don't think that they do. I have not given a lot of thought to whether or not the flag of the United States or the flag of the various countries should be raised. But it seems to me that it would be more consistent with the program of the Olympic Games, which is individual competition, for the Olympic flag to be raised rather than the flag of the United States.

Now, we have run into some problems because of our racist policy that we have here in the United States. We saw that in Mexico in 1968, and we saw it again in 1972. But I don't think America really got the import of these two incidents that happened.

Now, if you want to keep politics out of it, we have got to set up protective measures so that these things cannot reoccur again.

But I do think that the eligibility of a country ought to be determined on the basis of what we conceive as fairness, fair play, and democracy. And I think that if we set up rigid rules as to how a country must conduct its own affairs—and I know this is an explosive area, but I say that unless we face up to it, then we are going to be confronted in future years with the same problem as we were in 1968 with South Africa, as we were in 1972 with Rhodesia.

Senator TUNNEY. Well, I just agree with you entirely, everything that you said.

What is your evaluation of, for instance, the bill that you have introduced on the House side, the same thing as I have introduced here? What do you think the chances are of getting it through the House of Representatives?

Mr. METCALFE. I am not too optimistic. I can't even get the chairman of our bill which has been referred to the Judiciary to give

consideration to it. I think we are going to have to do a lot of lobbying. I think we are going to have to do a lot of letter writing to our Congressmen and point out to them the importance of it.

But what I would like to see is that this commission would have the benefit of all the gentlemen who are presently here now and others. Because there are so many organizations that have long-standing interest and legitimate arguments on their side that we need to be able to gather all this information.

But we must keep in mind the key things, and that is the right of us to field our best athletes and our best athletes having the opportunity to develop to their full potential, knowing they are going to be able to compete in international competition.

I disagree with my very distinguished colleague, Congressman Peyser. I think that we have got to look at the program from a domestic point of view as well as from the international. Because if you don't, you're really just skirting the issues and you're getting up to a point and then you say we're going to start acting. We have got to act from the very basis of our whole amateur athletic program.

Senator TUNNEY. Thank you very much. I think that statement is excellent.

Senator Pearson.

Senator PEARSON. I concur. As a matter of fact, Mr. Congressman, if anyone asks me for a quick resume of what the problem is, I am going to refer them to your statement.

Mr. METCALFE. Thank you.

Senator PEARSON. It is excellent in just setting it out.

Now let me challenge your proposition. As one who went through those 1965 hearings—yes, hearings—and served on that commission with some very distinguished American citizens and concerned people about amateur athletics, and after the writing of what I thought was a very good report, nothing really happened.

Mr. METCALFE. That's right.

Senator PEARSON. And your statement, among others, is so definitive of what the problem is. We seem to know precisely what the problem is. We don't quite know how to solve it yet.

But after that experience, why would you seek once again to go back in and to concur with Senator Tunney to have a commission appointed by the President to look into this thing again?

The reason I ask the question is that I think the work you did before was so good that the next commission that comes along is going to come out right squarely on the same points that you developed before, and the history and the background for all of these problems is the same.

Mr. METCALFE. Senator Pearson, I do that because of the magnitude of the problem and the many ramifications. This commission will have to be brought up to date on all of these.

But I do think that we are going to have to use the power that we have delegated through our legislative process that will give sanction to the national AAU and to the U.S. Olympic Committee for them to recognize this. I see a superstructure and I think that out of these hearings may very well come a superstructure that is neither NCAA, neither USTFF nor AAU nor NAIA to participate.

So that we set up a mechanism so as to prevent either one of these.

Because these are realistic problems. It's a question of prestige. There is a money problem too. Because there is more money available now. Television provides a big coverage for it. And the fact that there is a question of the prestige of these various ones that are involved.

On one hand you have a group who are saying: "We are providing the athletes with this," and the other one holding on tenaciously, as I said in my statement, to the idea that they have been granted this exalted power and only they can serve.

And the fact that it is 50 years old is an indication that I see the absolute necessity for a superstructure above these that will tell them both and their existence will be subject to Congress.

And I think the Government has to step in as we have had to step in in so many crisis situations.

Senator PEARSON. That leads me to ask you this: Go beyond the commission. Suppose the judgment and the decision came down to one or two alternatives, one or two options, either as Senator Cook's proposal, which was, incidentally, what I introduced in 1964, the Federal agency, or the proposal I introduced this year that had to do with an independent agency appointed by the President.

With your experience both in Congress and as an athlete, where do you think you would come down between the independent board concept or the Government agency concept?

Mr. METCALFE. I would like to see the independent board as of now to be the authorizing body with the backing and sanction and the authority from the legislative branch of our Government with approval of the President of the United States and the Congress.

But I would like to see them be independent citizens, free from and have no connections at all with either one of the warring factions.

Senator PEARSON. Would you write a letter to the record and give us your best thinking as of now on what kind of a new definition you would need to have in relation to amateurs?

Mr. METCALFE. I would be hesitant to do that.

Senator PEARSON. All right.

Mr. METCALFE. And I will tell you why. I think that the question is so grave and so important I would like to have a group sitting—I have no objection to sitting in and having different ones to submit their definition of what they think amateur athletes should be. I would like to have some of the athletes themselves, Hal Connolly and former athletes, and some of the present athletes to submit that. I would like the whole spectrum brought forth.

I would not want to see anyone, including myself, undertake the idea of writing the exact language of what amateurism should be. I think it ought to be a consensus of what modernday thinking is when we are dealing in this field of athletes.

Senator PEARSON. I understand. I just thought it was incumbent on this committee to do something in the report—

Mr. METCALFE. I can see the urgency of it.

Senator PEARSON. That these are the options perhaps.

Mr. METCALFE. I see the urgency of it, because, Senator Pearson, what I am strongly recommending is that we move immediately.

Because I tried to ascertain when does the IOC meet, the International Olympic Committee, and I think they meet 2 years prior to the games, which would be, therefore, in 1974. And what I am suggesting is that we develop these two phases—one, eligibility of our country, and, the next one, the definition of amateur athletics—and we run it up through the lines and say, “Look, you as our representative on IOC would press for this at the international level to make sure and get other countries to adopt it too.”

And if they don't, then we ought to consider whether or not we ought to compete on this falsity of amateur athletics. I think that's the question.

Senator PEARSON. Thank you.

Senator TUNNEY. Senator Beall.

Senator BEALL. No. I don't have any questions.

Senator TUNNEY. Thank you very much, Congressman. It has really been very, very helpful.

Mr. Metcalfe.

Senator TUNNEY. Our next witness is Mr. Walter Byers, executive director of the National Collegiate Athletic Association. Mr. Byers is accompanied by Dr. Alan J. Chapman, president of the NCAA.

Perhaps the others at the table could also be identified.

STATEMENT OF DR. ALAN J. CHAPMAN, PRESIDENT, THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, AND WALTER BYERS, EXECUTIVE DIRECTOR; ACCOMPANIED BY RICHARD P. KOENIG, SECRETARY-TREASURER; ROSS H. SMITH, ATHLETIC DIRECTOR, MASSACHUSETTS INSTITUTE OF TECHNOLOGY; AND SAMUEL E. BARNES, PROFESSOR OF EDUCATION, DISTRICT OF COLUMBIA TEACHERS COLLEGE

Mr. BYERS. Thank you, Mr. Chairman.

With your permission, I would like to introduce our officers who are here at this table and also introduce some other gentlemen in the room. We understand the rules. They are not here to testify but they are here to answer questions if you desire to address questions to them, if that is agreeable, if permitted.

Senator TUNNEY. It is agreeable, and it is permitted.

Mr. BYERS. Thank you, sir.

Senator TUNNEY. If you could just identify them.

Mr. BYERS. On my right is Alan J. Chapman, of Rice University, president of the NCAA. He is professor of mechanical engineering and aerospace dynamics, consultant to NASA. He has been faculty representative of Rice University for 12 years. A former outstanding track athlete while a Rice undergraduate.

To his right is secretary-treasurer of the NCAA, Richard P. Koenig, of Valparaiso University. He is vice president of that institution. Former outstanding athlete. He was athletic director for 15 years.

On my left is Ross H. Smith, athletic director of Massachusetts Institute of Technology. He has been there 12 years and operates one of the broadest, largest intercollegiate programs in the country.

For 8 years he has been on the U.S. Olympic Committee for Rowing, has been chairman of that committee, and he managed the Olympic rowing team at Munich. Also immediate past president of the Eastern College Athletic Conference.

On his left is our immediate past secretary-treasurer Samuel E. Barnes, professor of education of the District of Columbia Teachers college. He was athletic director of Howard University for 14 years. He has been a member of the U.S. Olympic Committee board of directors and executive committee and held those positions at the time of the NCAA withdrawal from the U.S. Olympic Committee. He was responsible for preparation of the U.S. Olympic team here in the District of Columbia prior to its departure for Munich.

Elsewhere in the room, Mr. Chairman, I would like to introduce from the NCAA International Relations Committee and ask them to stand:

Donald Canham, athletic director of the University of Michigan, former member of the U.S. Olympic Track and Field Committee, an international coach of many teams in international competition, took six American teams abroad. He was national collegiate champion at the time he competed as an undergraduate. One of the Nation's leading track coaches, for 19 years at the University of Michigan, he now is responsible for the intercollegiate program at Michigan as well as the physical education and intramurals programs.

A member of the NCAA Council, William Exum, athletic director of Kentucky State College. He was a member of the U.S. Olympic Track and Field Committee at the time of the NCAA withdrawal from the USOC. He was one of the managers of the 1972 Olympic track and field team. He is also chairman of the Administrative Committee for the National Summer Youth Sports Program. That is a committee, as you know, Mr. Chairman, which is made up of Government and college representatives that administers each summer the NSYSP program.

Representing the 35 allied conferences, the intercollegiate athletic conferences of the country, which are allied members of the NCAA, is the Reverend W. H. Crowley, commissioner, West Coast Athletic Conference, which has predominant membership from the State of California plus the two Nevada universities. He was 18 years faculty representative for the University of Santa Clara and was vice president at the time he moved to become commissioner of the West Coast Athletic Conference.

Finally, Richard Trachok, athletic director of the University of Nevada at Reno. Dick was an extremely successful high school coach before he became coach at the University of Nevada at Reno, then became athletic director. Dick represents the transition that is most common where high school coaches are extremely successful at the interscholastic level, move into the college level as successful coaches, and then become administrators.

My purpose in taking the time to make these introductions, Mr. Chairman, is to indicate to you the interest of the NCAA members across the country in these proceedings in the fact they took the time to come here to participate.

Further, it is indicative of the cross section of the NCAA membership and the fact that the men managing the intercollegiate program of the country are indeed close to student athletes on a day-

by-day basis and, we feel, quite competent to recommend policies in their best interest.

With your continued indulgence, Senator, Dr. Chapman would like to make his statement, and then I would make a statement myself.

Senator TUNNEY. Fine.

Mr. BYERS. Then we would be delighted to answer any questions you might have.

Senator TUNNEY. Fine.

Dr. Chapman.

Dr. CHAPMAN. I have a prepared statement which I believe has been delivered to you, and rather than read it in detail I would like to hit the high points.

Senator TUNNEY. Without objection, so ordered. It will be incorporated, and you can summarize it.

Dr. CHAPMAN. We welcome this opportunity to be able to present the position of the NCAA to this committee. It is our position that the administration of U.S. participation in international athletics is in need of reform. It now appears that Government intervention may be necessary.

It is, however, important that we should identify the basic problems in order to deal effectively with them while at the same time interfering to a minimum in the conduct of the domestic athletic programs.

I would like to outline a few thoughts about our organization and then let Mr. Byers, our executive director, follow with further details on our positions on the proposed legislation before your committee. Because there has been, in our view, a systematic effort made to cover up the real source of the problems by the casting of irresponsible charges against the NCAA, I would like to try to describe to you our organization.

The NCAA is a voluntary, nonprofit, educational organization that now consists of 771 members, 696 of which are 4-year collegiate institutions, the remainder being allied conferences and other affiliated organizations.

The NCAA membership provides competition in 24 different sports involving something of the order of 175,000 competitors.

To our reckoning, approximately \$237 million, or somewhat in excess of that, is expended every year by our member institutions in the conduct of these programs.

If from that you were to deduct income from television, gate receipts and like revenues, it still leaves a deficit across the country in our member institutions of in excess of \$23 million a year.

I think this is impressive. In times when collegiate institutions are faced with financial crisis, that they still believe that development of educationally sound intercollegiate competition is a valuable byproduct or activity for students.

I think the NCAA member institutions' commitment to intercollegiate competition is best illustrated in exhibit A, which will be passed to you to be made part of the record. It is a listing of the NCAA member institutions. It is not just a mere listing of the names of the institutions but it gives a breakdown in each institution of the facilities available, the coaches of programs which they sponsor, and so on.

Senator TUNNEY. It will be put in the committee files.

Dr. CHAPMAN. It is a large document, and you certainly won't have time to look at it now, but I do hope the committee members would be able to take time to browse through it and see what I think is an impressive collection of coaches and athletes and facilities.

I mentioned the NCAA is a voluntary organization. No one is required to belong to it, and anyone may withdraw.

In order to understand how we work and where the rules come from, it is essential to understand what you might call the flow of power within the NCAA. All the NCAA policies and rules are determined by delegates voting annually in convention. The Council, the executive committee, and the executive officers are not empowered to make rules and impose them on members. The members impose them on themselves in the annual convention.

The Council and the executive officers are able to interpret rules between conventions.

So our rules are self-imposed.

The important point, too, to make here is that voting delegates at the annual convention are appointed by the chief executive officer of each member institution. Our membership is by institutions and not by individuals. The president of each institution each January must certify his voting delegate.

Exhibit B, which will be delivered to you, is a copy of a typical delegate appointment form used by chief executive officers to show you how the association is operated, and I would like it to be included too as a part of the record.

Senator TUNNEY. It will be included as a part of the record.

[The exhibit follows:]

EXHIBIT B

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, SIXTY-SEVENTH ANNUAL CONVENTION, CHICAGO, ILL., JANUARY 11-13, 1973

NOTICE OF APPOINTMENT OF DELEGATES

Name of Institution

ACCREDITED DELEGATES (not more than 3 to be named)

Voting Delegate: -----

Name

Academic Title

Alternate: -----

Name

Academic Title

Alternate: -----

Name

Academic Title

VISITING DELEGATES (any number to be named)

Name

Academic Title

Name

Academic Title

Name

Academic Title

Name of Appointing Officer

Academic Title

Return to: NCAA Executive Office, Midland Building, 1221 Baltimore Avenue, Kansas City, Missouri 64105.

EXCERPT FROM THE CONSTITUTION OF THE NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION

ARTICLE 5, SECTION 6—MEETINGS

(a) There shall be an annual Convention of this Association during the second week of January, or at such other time as may be prescribed by the Executive Committee.

(b) Special meetings of the Association shall be called by the President on the written request of twelve or more members of the Council.

(c) One hundred active members represented as prescribed in this Constitution shall constitute a quorum for the transaction of business of the Association.

(d) Each active and allied member shall be entitled to one vote and may be represented at the annual Convention and at special meetings by one to three accredited delegates.

(e) Each associate and affiliated member shall be entitled to one delegate without voting power.

(f) Member and non-member institutions are authorized to send visiting delegates who shall be without voting power and shall not actively participate in the business proceedings of the Association.

(g) The certification and voting of delegates shall be conducted as follows:

(1) Delegates shall be certified to the secretary as entitled to represent the member in question by the proper executive officers of their institutions or organizations.

(2) In case an active or allied member is represented by more than one delegate, it shall designate the delegate entitled to cast its vote.

(3) The same delegate may represent both an active and an allied member.

(4) No delegate shall represent any active or allied member unless he is actually identified with such member.

(5) Whenever the Association votes by roll call, either written or viva voce, on any question, on demand of any delegate the names of delegates as they vote shall be checked by the Committee on Credentials in order to verify the authority of the voter.

(6) Voting by proxy shall not be allowed.

Dr. CHAPMAN. I can't help but digress at this point when I mention chief executive officers, because yesterday in this room someone mentioned that an athletic director can award an athletic grant without his president knowing it, and that he can take it away and use it as a club over an athlete.

Senator TUNNEY. Could you move that microphone closer?

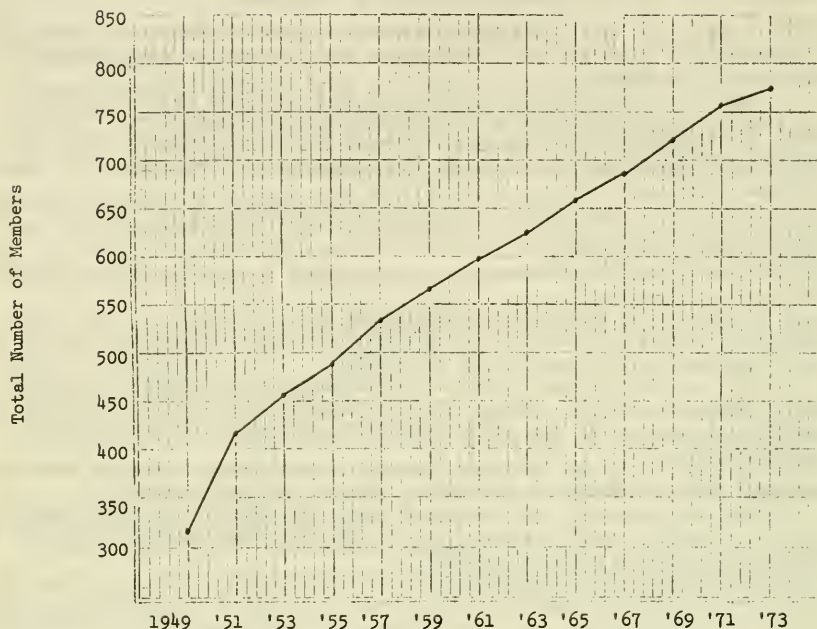
Dr. CHAPMAN. That is entirely untrue. Our rules are very specific that any grant-in-aid that is made has to be made by the regular granting authorities of the institution and may not be removed by the athletic directors or by anyone for athletic reasons.

But that is really beside the point at this moment.

The membership growth within the NCAA I think is good evidence of the values with which our programs are held by the member institutions.

Another exhibit which I will deliver to you will show that within the last 25 years roughly we have grown from 317 members to 770 members, an increase of over 140 percent.

[The exhibit follows:]

NCAA MEMBERSHIP GROWTH, 1949-1973

Year	Institutional members	Organizational members	Total
1949	306	11	317
1951	392	23	415
1953	426	30	456
1955	454	35	489
1957	496	35	531
1959	521	46	567
1961	547	52	599
1963	566	57	623
1965	597	62	659
1967	624	62	686
1969	656	64	720
1971	689	68	757
1973	695	75	770

DR. CHAPMAN. The basic purposes and aims of the NCAA are relatively simple to state:

The No. 1 purpose is to prevent the student-athlete or an athletic program from being exploited by his coach, by his institution, or by outside promoters. And by exploitation I mean attempts to capitalize on an individual's athletic ability merely for athletic prowess without any regard to his educational needs.

Our second aim is to maintain, in the particularly popular sports where pressures may become intense, reasonable educational bounds in order that we can justify to our faculty colleagues that inter-collegiate competition is a justified extracurricular activity.

Our third aim is to maintain a reasonable degree of equal opportunity between member institutions.

In an attempt to do this, we generate the rule book. That means one has to inaugurate rules about the number of games that may be played, outside practices, extracurricular competition, recruiting, and the like.

But it's the first of these two aims that concerns the faculty of the institutions most—that is, the prevention of exploitation of the young man or woman for merely their athletic prowess and the desire to maintain educational soundness that concerns everyone.

When we talk about reform of international competition, we must be careful that whatever we do does not open the doors to allow young athletes' educational interests to be unduly impinged upon by external activities. By this I mean things like a track meet scheduled during the middle of final examinations or something of that sort.

It was in the pursuit of these purposes, as a matter of fact, in 1948, that NCAA had to create what is now called the Extra Events Committee. At that time it became necessary to exercise some control over vast numbers of extra bowl games that occurred near the end of the year in order to keep these activities from impinging on the student's academic life.

There was generated a certification program for the bowl games. We looked into such things as sound financial management, the timing of the event, medical aid available, is proper insurance available, and so on.

I believe almost everyone agrees that our regulation of extra-event bowl games has been a good and sound educational activity.

The same applies in the other sports in which we have gradually extended certification procedures. Let me point out that NCAA does not extend certification concept into areas where there isn't the outside pressure. In other words, we find it in football, basketball, track, to some extent in gymnastics, but we do not find we engage in any certification in sports such as swimming, lacrosse, water polo, fencing, and the like.

It is our feeling that certification is a sound educational objective.

In my own field in engineering we do the same thing. We submit to accreditation by an engineering accreditation board in order that we can present to the public the idea that our program meets certain minimum standards. This is what we feel we need to do to our member institutions to convince them that certain activities are sound and wholesome.

In other words, our certification is meant to promote well managed competition, certainly not to inhibit.

And, further, it has never been our contention that we maintain exclusive certification rights. Other amateur athletic organizations having proper concern should also have certification rights.

And, finally and most emphatically, NCAA has no desire whatever to ever become an international franchise holder. We view our mission as purely domestic and intercollegiate.

I raise these points because our certification procedures have been occasionally referred to as simple aggrandisement and staking out of authority, but it is not. Any certification program we have is based on educational grounds, not on staking out of authority, and I think we can defend our position on those grounds.

The only time that our certification program becomes annoying is when the AAU chooses to ignore it. And that was for their own promotions.

But we do not object to dual certification. But we do believe we have the educational obligations to go forward.

Actually, certification is not the basic problem before us, as I understand your bill, Senator Tunney, dealing with the U.S. Olympic Committee and the franchise holders.

I believe I would like to ask our executive director, Walter Byers, to speak to those points.

I could at this time answer questions, but maybe some of the statements of Walter Byers may satisfy some of the questions.

Senator TUNNEY. I think, if the other members of the committee agree, it would be best to hear from Mr. Byers. Then we would submit questions to both you, Dr. Chapman, and Mr. Byers.

Mr. BYERS. Thank you, Mr. Chairman.

First let me present my statement for the record if I may, sir.

Senator TUNNEY. It will be accepted as part of the record. And if you want to read it, fine. If you would like to summarize it, better.

Mr. BYERS. I will follow your suggestion hopefully.

My remarks are divided into three parts: (1) To lay a basis for several of the assertions and recommendations we plan to make to the committee and we hope to lay a factual basis before making those; (2) to discuss the problems as we see them; and (3) to comment upon solutions—specifically, the four bills are now before your group.

We believe, as President Chapman has outlined, that in those international sports America is most concerned about, our members are the principal source, and indeed, in some instances, the only source of U.S. athletic ability. Our athletic strength comes from NCAA colleges in those sports.

The listing of our members is in the exhibit President Chapman has presented to you.

I also want to point out that among the 13 major athletic conferences they have an average of seven employees. They are scattered in all corners of the country. And our own staff numbers some 40 people. And if unity could be brought to amateur athletics, there stands an existing framework of organization, of personnel, that can do much to promote amateur sports if not inhibited by some of the arbitrary and unnecessary restraints imposed by the AAU and the U.S. Olympic Committee.

The colleges spend more money or as much money for subsidizing amateur track and field in 1 year than the U.S. Olympic Committee spends in 4 years in marshaling our teams for Pan American and Olympic competition.

I am going to deal with some dollars. I assume the Commerce Committee might be interested in having this in the record.

In 1968-72, Mr. Chairman, that quadrennial, the U.S. Olympic Committee spent approximately \$8.5 million. I believe this represents about \$200,000 less than it raised for the quadrennial. Our colleges—as I will point out in several sports—annually subsidize track and field by \$8.7 million.

Now, Dr. Chapman cited the amount of money spent and the net deficit of \$23.3 million the institutions of higher education pour into intercollegiate sports. If you take football, out of there, NCAA members subsidize all the other sports, including basketball, by a cost of \$49.5 million each year. Income from intercollegiate football brings a net subsidy from higher education for intercollegiate sports to \$23.3 million.

We have 556 member colleges sponsoring intercollegiate track and field, and they spend, as I cited, \$8.7 million a year on the red side of the ledger.

In wrestling, for example, we have 416 members sponsoring intercollegiate wrestling, and the net red figure, adjusted figure, is \$3.1 million each year.

In basketball, surprisingly enough, we have 690 playing members and the deficit figure is \$8.1 million.

There are only approximately 99 colleges of our membership who break even or enjoy an excess of receipts in the sport of basketball.

Now, the point of this is the colleges' belief in a program makes our athletic might possible in these sports.

I don't think I have to do the statistical study for you, but if any of your staff members would like this information we have it available. The student athletes who carry the load and put our flag in first place in international competition come out of NCAA colleges. It is the commitment of higher education to make this possible through subsidies of the intercollegiate athletic programs.

Let me talk a moment about land and buildings. When we talk about NCAA members, there is something you can see and put your hand on. There is land, a building, a track, a stadium. They are not the gentlemen's athletic clubs, which in many instances are post office drops, mail drops, which in 60 days come in, meet, and then no longer exist.

For one Big Ten member the value of their athletic facilities is \$25.4 million, and the annual maintenance cost—not debt service, just maintenance cost—is \$404,700 for the athletic facilities.

A prominent Ivy League member's comparable figure, \$21.1 million, is the current value of the athletic facilities, and the annual maintenance charge is \$441,800.

That is money paid by the athletic department.

Let me give you figures on track and field. The University of Kansas has an annual subsidy to track and field of \$81,300 not counting coaches' salaries. Coaches' salaries go to a different account.

Louisiana State University subsidizes its track program by \$115,000.

There are three members of the Pacific 8 Conference in California. Senator Tunney, that average annual deficit financing of \$121,500, \$137,700 and \$121,000 in track and field.

One of the most successful track programs in the East is at Villanova University, a Catholic university. I think we are agreed private institutions are facing more difficulty today than State universities. Villanova's subsidy is \$139,068. I am talking about salaries, uniforms, deficits in conducting home meets, scholarships,

grants-in-aid, printing, and all the things that go with conducting a high quality program.

The athletic director of Villanova remarked that if the Commerce Committee is considering subsidies for amateur sports he'd like to be first in line to get some help, because he is wrestling with a very difficult track and field subsidy.

Let me now give you a picture of how some of these athletic facilities have been financed. I have detailed figures from the University of Tennessee, which has no reservation about having these made public. Tennessee's athletic facilities, not counting land cost, cost \$18,323,000. That was the construction cost alone.

The University's athletic department provided \$16,300,000 of that money. They generated the money from the athletic income.

LSU is much the same story. We have a detailed breakdown of its athletic facilities. You also will find the University of Oregon and other institution's figures in this paper, which I will be happy to go over if any staff members would like the information.

In a great many instances the athletic facilities on these campuses, which are enjoyed by a great many people, are provided for by athletic receipts.

Ending up my first part in trying to make a basis for some of our assertions, this is the program that puts the athlete in the competition, with expert coaching and expert facilities, and brings him to his top level of performance.

I suppose the greatest frustration among the people here with me today is to see a boy who is indoctrinated in the best program available then reach the point of international competition where he undergoes mismanagement. This is one of the key points of the frustration, because now you have the planning for international competition, logistics, scheduling, the training arrangements made by people far removed from the actual conduct of the program.

I want to speak on scholarships. Some people seem to see the colleges and the NCAA as some ogre that is exploiting the student-athlete. Our colleges provide \$76.2 million as scholarship and grant-in-aid money each year to student-athletes. I hazard a guess that 92 percent of young people who compete in intercollegiate competition have some form of grant-in-aid or scholarship assistance, and I think it's perfectly clear a vast majority of these young people would never go to college without this type of aid.

A great many of them emerge from this athletic system into the mainstream of our society on a financial footing they could never have achieved in any other way.

So we do feel that instead of exploiting the student-athlete, we are providing a program and administering it in a healthy fashion which works to his benefit.

And we have, with your permission, approximately 35 to 40 letters from young men who have gone through this system. They now are out in business or in postgraduate study, and they want to tell you about the system. I would like to have their comments in the record if you think it is appropriate.

Senator TUNNEY. Certainly, they will be received for the Committee files.

MR. BYERS. Mr. Hansen will deliver it. We don't have multicopies of the letters, only single copies of them.

I know there is great concern here about opening up facilities, letting those people probably at a younger age than college get a chance to experience some disciplined competition—throw balls instead of rocks, that type of approach. I would like to remind you, Senator Tunney, that you had a bill in the last Congress to advance the national summer youth sports program, and I would like to present a pamphlet about the program. This is the fifth year of the program. It operates in approximately 110 colleges. The Federal Government provides approximately 52 percent of the funding, and the colleges and universities plus some help from other private sources provide approximately 48 percent.

There are more than 150 to 200 colleges standing in line wanting to participate in this program if additional funding could be found.

The point here is that there is a proven program, highly successful. It survived the dismantling of OEO, which I think is some testimony to the fact that it had to meet some pretty good competition. It survived the dismantling of OEO and is in its fifth summer.

It is an ongoing way of giving young people—we are talking now about 12 to 17-year-old youngsters—exposure to college facilities, the best facilities with the best college coaches, and student-athletes who are successful.

It gives, in addition to educational components, hot meals, medical checkups, and it exposes them to a potential way of life that is needed in many areas of this country.

And we would hope in your considerations as you envision increased athletic opportunities for our young people you will study this possibility for an expanded role.

The problem: The NCAA withdrew from the U.S. Olympic Committee, October 26, 1972. On January 11, 1973, our convention unanimously approved the action of the NCAA Council in that regard.

We tried reorganization within the USOC for at least 10 years. Our efforts to secure reorganization within, led to a more elitist, private-club concept. In fact, the governing hierarchy of the U.S. Olympic Committee strengthened their rules to maintain the elitist hierarchy in these efforts instead of loosening them.

I would like to have you study some information, which I don't believe has been presented to you, sir. I would like to present exhibits which show the Olympic structure in graph form. I think it would be helpful in considering your bill, Senator Tunney, and yours, Senator Pearson.

SENATOR TUNNEY. Do you want these incorporated as part of the record?

MR. BYERS. I think it might be useful.

SENATOR TUNNEY. Okay.

MR. BYERS. I really designed them for use of your staff.

SENATOR TUNNEY. Without objection, so ordered.

[The charts follow:]

INTERNATIONAL OLYMPIC COMMITTEE

Composed of 73 Men from 55 Countries¹

128² National Olympic Committees Recognized by International Olympic Committee

UNITED STATES OLYMPIC COMMITTEE

Consists of numerous organizations divided into groups. Voting is weighed by group.

Group A is reserved for organizations which are members of international sports federations, such as AAU, Amateur Fencers League, US Ski Association and others. Group A members maintain voting control (1,624 of estimated 3,012³ votes) of USOC.

Group B membership includes national organizations which sponsor championship competition and make substantial contribution in terms of competitors. (NCAA was in this category)

Group C includes district or regional organizations which sponsor competition in Olympic sports such as athletic conferences and AAU district associations. Group C members are entitled to three votes.

Group D - National organizations not members of Group A or B which hold national championships not in Olympic or Pan American program. Members are entitled to one vote.

Group E - members are entitled to one vote and includes national organizations that do not sponsor championship competition such as various coaches associations.

Groups F through I are primarily to honor individuals who have contributed to Olympic movement.

¹ - April 1, 1970

² - October 1, 1968

³ - April 1, 1971 (does not include fluctuating Groups F,G,H)

U.S. OLYMPIC GROUP A MEMBERS - INTERNATIONAL FRANCHISE HOLDERS

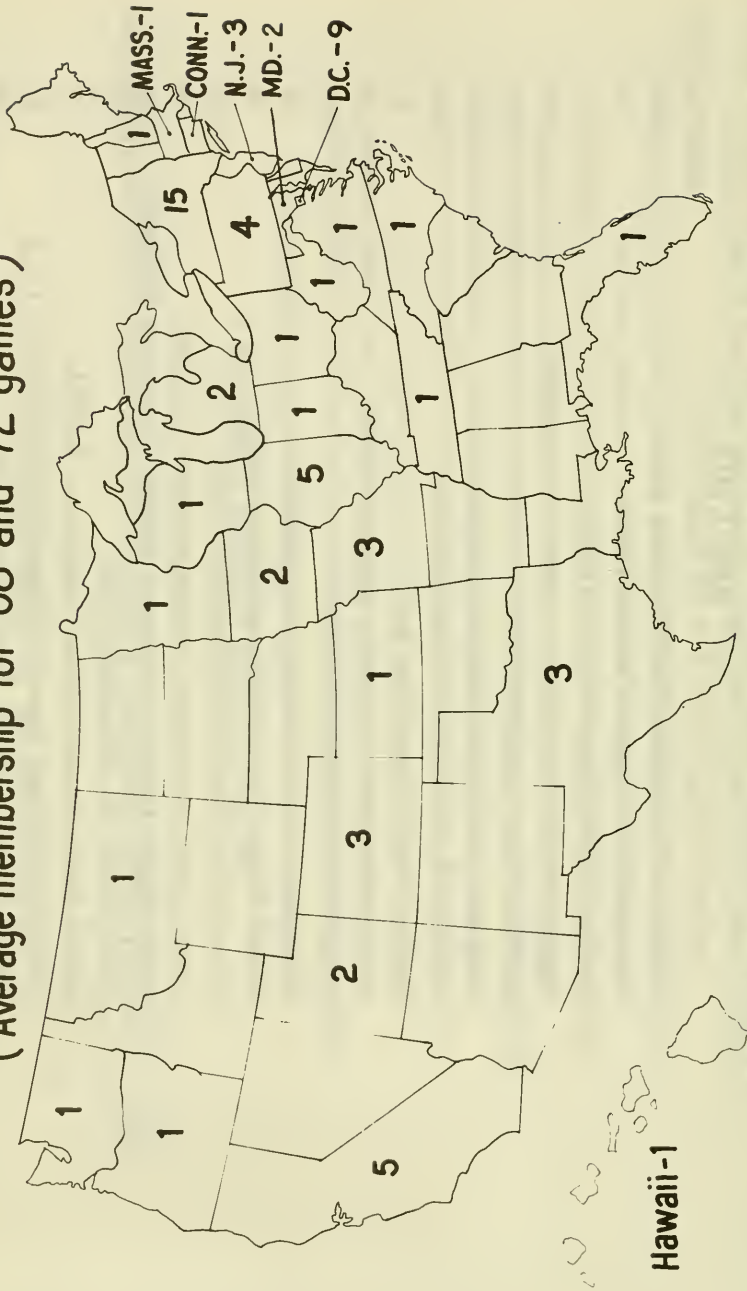
April 1, 1971

	BASIC TOTAL VOTES
Amateur Athletic Union of United States (AAU)	560
Amateur Bicycle League of America (ABLA)	56
Amateur Fencers League of America (AFLA)	56
Amateur Hockey Association of United States (AHAUS)	56
American Canoe Association (ACA)	56
American Horse Shows Association (AHSA)	56
Field Hockey Association of America (FHAA)	56
National Archery Association (NAA)	56
National Association of Amateur Oarsmen (NAAO)	56
National Rifle Association (NRA)	56
North American Yacht Racing Union (NAYRU)	56
United States Figure Skating Association (USFSA)	56
United States Gymnastics Federation (USGF)	56
United States International Skating Association (USISA)	56
United States Modern Pentathlon & Biathlon Association (USMPBA)	112
United States Ski Association (USSA)	56
United States Soccer Football Association (USSFA)	56
United States Team Handball Federation (USTHF)	56
United States Volleyball Association (USVBA)	56

AAU held 9 international franchises in 10 sports: Basketball, Bobsleigh and Toboggan, Boxing, Judo, Luge, Swimming, Track and Field, Water Polo, Weightlifting and Wrestling.

U.S. OLYMPIC COMMITTEE BOARD OF DIRECTORS BY STATE

(Average membership for '68 and '72 games)

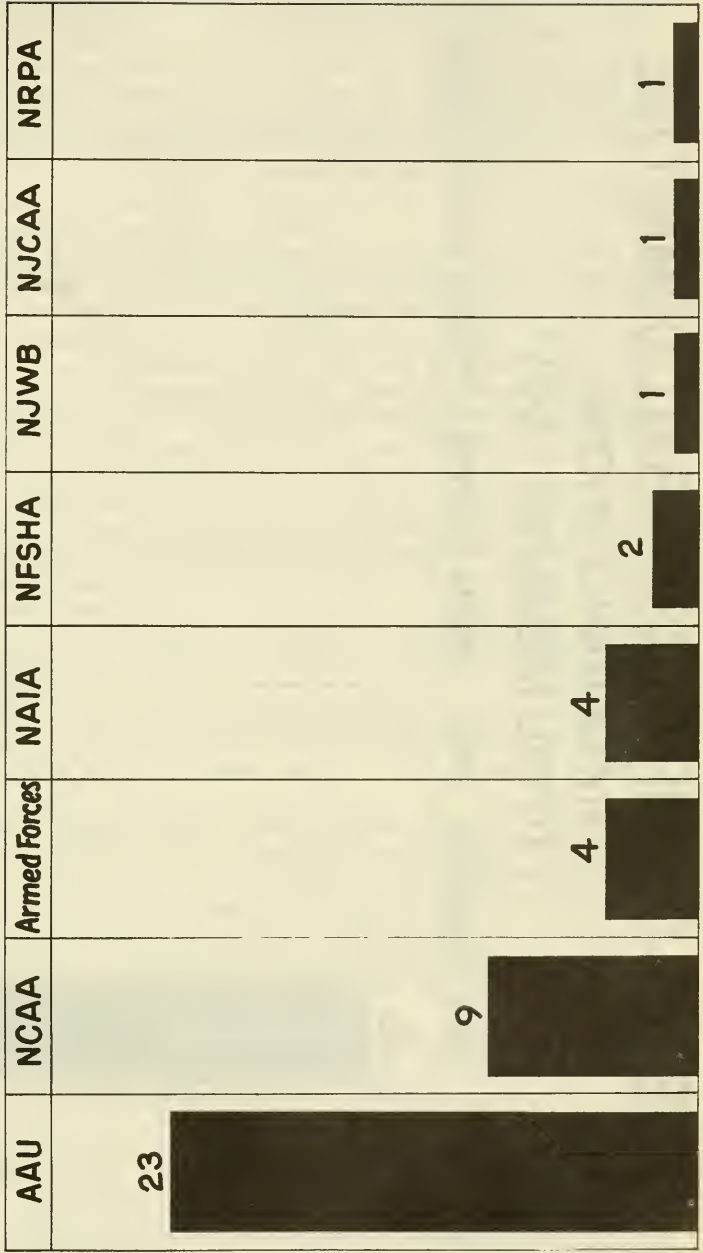


Average total Members - 75

1972 U.S. OLYMPIC TRACK & FIELD COMMITTEE

BY ORGANIZATIONS

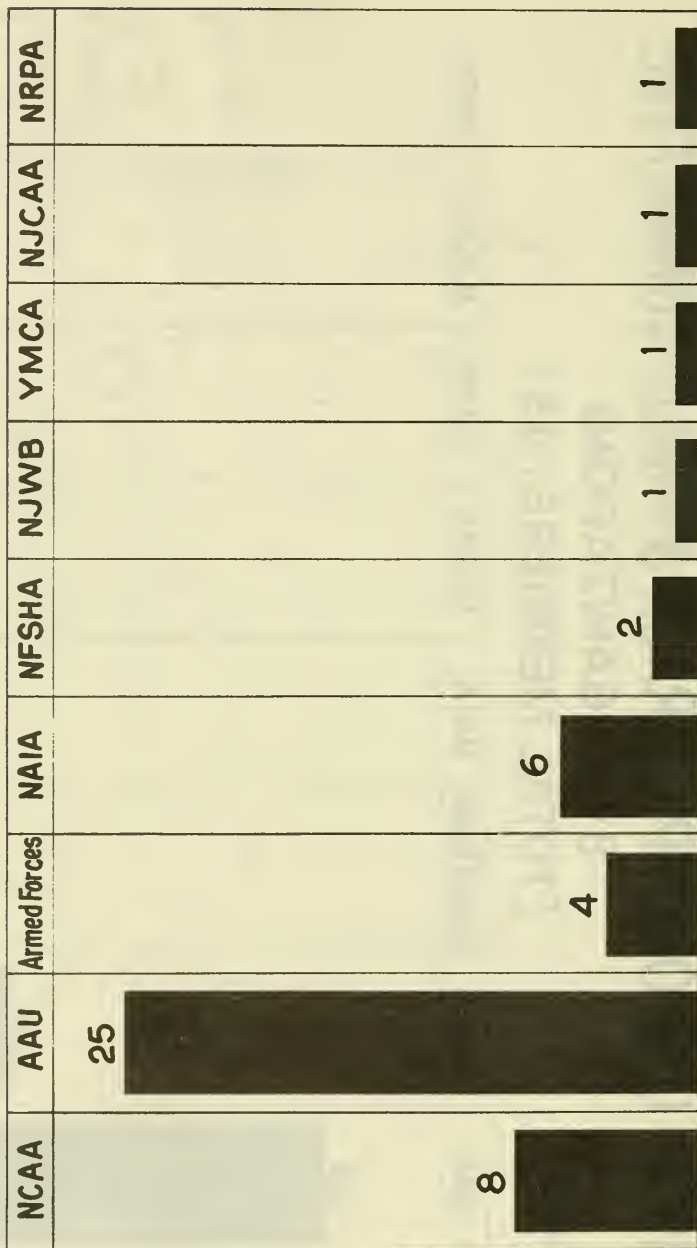
(TOTAL MEMBERS: 45)



1972 U.S. OLYMPIC BASKETBALL COMMITTEE

BY ORGANIZATIONS

(TOTAL MEMBERS: 49)



Mr. BYERS. The first chart merely shows you the International Olympic Committee. It in turn recognizes 128 national Olympic committees. The USOC is one of the Olympic committees.

In the box below the USOC there are the groups of membership, and they total approximately 3,000 votes. At all times group A maintains majority control. It is set so that the international franchise holders always maintain control of the U.S. Olympic Committee, which they do in their so-called reorganization.

Senator TUNNEY. Is that part of the chart or part of the bylaws? Or is this just something which occurs?

Mr. BYERS. No; it was recently enacted through USOC urging by the International Olympic Committee that the National Olympic Committee shall be controlled by the international franchise holders.

For years back that was not necessarily so. In fact, it was not so. NCAA and AAU in combination were the only groups. But as the AAU became more hard-pressed, it then went to the other international franchise holders. The IOC rule now provides that the National Olympic Committee shall be the governing body of the international franchise holders of that country.

My point is that's where the game is played, and you can revise B, C, D, E, and F, as much as you want, you can put athletes' advisory committees in there, you can give athletes votes, which the USOC says it has done, but until group A is changed there really is not much change.

The second chart, gentlemen, is merely a listing of the present group A members, and it runs a total of 1,624 votes. This is the controlling majority.

I might point out the problem that has flared up, interestingly enough, is pretty limited, in two or three sports. We are able to get along with quite a few of these people, which it seems to me is interesting in itself.

The next chart, gentlemen, is a distribution of USOC board of directors by States. The point is there is no geographical—planned geographical—representation. The State of California, which is by far the main provider of track and field talent in this country, as an example, has 5 members to New York's 15.

There is no rime or reason for geographical representation. It depends on which organization puts the people into the voting slots, as to who governs the situation.

Following from that type of an arrangement, the next 2 charts, which are a bar graph on how the Olympic track and field and Olympic basketball committees are structured.

The rules of the U.S. Olympic Committee provide if you have one of the international franchises we spoke about earlier, you then have control of the Olympic committee in that sport. That is a USOC rule. I don't believe you can find that anywhere in the IOC.

The USOC took an extension of the IOC position on control of the National Olympic Committee by international franchise holders and then extended it into the games committees or the operating committees themselves.

And you can see here in basketball where the AAU has 25 votes and the NCAA has 8. It's ironic though that the AAU can control

the U.S. Olympic basketball operation, but I would defy anybody in this room to name one AAU basketball team that played a national schedule any season of the last 5 seasons.

I would hazard a guess everybody can name 25 NCAA basketball teams, but I'd like them to name an AAU basketball team which has a coach and a regular schedule of any national recognition.

But they are in control of the U.S. Olympic Basketball Committee.

Yes, sir?

Senator TUNNEY. If I understand what your earlier testimony was, Mr. Byers, this graph is not any longer reflective of the situation because you have pulled out of it.

Mr. BYERS. That is correct.

Senator TUNNEY. So this was the situation prior to the time that you pulled out.

Mr. BYERS. Thank you, sir. This is the situation going into Munich. Yes, sir.

In fact, all of this presentation is based upon what the setup was going into Munich.

And again, track and field is comparable. The AAU does have a better track and field program. It's virtually zero effort in basketball. It's not a very meaningful program even in track and field.

In our efforts, Mr. Chairman, to reorganize the USOC, we tried to change it from within and were frustrated in that effort.

In the Commerce Committee hearings of 1965, the U.S. Olympic Committee's spokesman told the Commerce Committee there could be no change in the international franchise holders. Only the sports governing body international could do that. In other words, the IAAF in track and FIIBA, the international governing body in basketball. Spokesmen to this committee and also the AAU spokesman said there can be no change by the U.S. Government or any part of the United States in the international franchise holders. This can only be accomplished by getting a membership in the IAAF or FIIBA.

Faced with that, NCAA, with other organizations which feel some of our international franchise holders are not doing as good a job as they should, went out to secure international franchises. The U.S. Gymnastic Federation was successful. We were on the verge of being successful in wrestling and basketball, but at that point the U.S. Olympic Committee put in a rule which said no group could go abroad in an effort to get an international franchise or change the American holder of that franchise unless they "get our approval."

So what they successfully did then was—not successfully—strike that word—what they attempted to do then was by a 180-degree turn from what they told the Commerce Committee in 1965. The USOC set up a screening group to stop changes in international franchises and the control on the international franchise holders themselves, the group A members of the U.S. Olympic Committee. So you have a total inbred situation of self-protection.

Well, it's this system, a guaranteed self-protection, which causes the fundamental problem. The weaker the franchise holder, the

more he has to rely on his fellow franchise holders in the USOC to bail him out of trouble. It results in atrocious political dealings. And the more he has to rely on their help, the more he is inclined to deal—political dealings that Congressman Metcalfe mentioned.

And, further—and it's a critical point—the more he has to rely on the favoritism of the international sports body of which he is a member and the other international franchise holders in the other countries.

Therefore, our representative, if he is weak here, must have protection from the international groups so they don't change his franchise. If he is not strong in dealing with them on scheduling competition, on rules, on officiating, he gives America inadequate representation at a critical point when we go into international competition.

Senator TUNNEY. May I stop you there?

Mr. BYERS. Certainly, sir.

Senator TUNNEY. We heard testimony from Howard Cosell yesterday that there was no member of the USOC at the basketball game between the United States and the Soviet Union to argue the case for the United States at the Munich Olympics. Is that in any way, that situation, tied into what you are testifying to right now?

Mr. BYERS. Yes, sir. I think it is related. I have an example of Bob Seagren and the pole vault, which is further related to this point.

Senator TUNNEY. I don't mean to interrupt the train of thought in your testimony, but if you could just place a footnote right now in your testimony and just discuss that for a moment—

Mr. BYERS. At this point?

Senator TUNNEY. Yes.

Mr. BYERS. May I give you the Seagren example? Is that appropriate?

Senator TUNNEY. Certainly.

Mr. BYERS. Bob Seagren, is probably the greatest pole vaulter in the world. He is the greatest pole vaulter I ever saw. And I want to say—this may sound like a little "schmaltz" but it's not intended to—at Mexico City I don't know whether you saw it on television, but when he won the pole vault they put him on the Olympic pedestal. The Star Spangled Banner was played, and the camera zoomed in on Bob Seagren's face. Tears came to his eyes. I thought to myself, "That's what it's all about." Pride in himself, and pride in his country, and he has reached the peak. He was a terribly proud young man.

He comes back from Munich a very embittered young man about the AAU and the USOC.

And here's a man from the University of Southern California who went through the sports system and reached the pinnacle, and I have often thought it's tragic to see an athlete of his caliber and reputation leave our amateur sports so embittered.

Well, he is embittered because they took away his pole at the point of competition. And there was absolutely no reason to do it. That pole had been used. It had been used in other foreign competitions.

Don Canham may be able, if you want details beyond what I can give, to speak in further comment on this. But it was done without reason. The U.S. representatives to the technical committee, world amateur track and field, are appointed by the international franchise holder.

The representatives of the technical committee were Larry Houston, Hilmer Lodge, and Pincus Sober.

Some of them are quite well on in years and they are far removed from the actual competition today. Yet, at one time some of those people were highly regarded, but they are so far removed from what is going on in the day-to-day administration of track and field in the simple issue of pole manufacture and what is permissible and what is not that they were ineffective in any presentation.

We have a detailed report on this which we can present if you want. Senator, I think that was the point of your basketball question. I am not versed on the situation the broadcaster talked about, so I really can't go into detail on it.

Senator TUNNEY. Well, I think it would be helpful if you do have a detailed report on that to make that a supplement to your statement.

Mr. BYERS. Yes, this report describes what went on in the pole vault decision with Bob Seagren.

Senator TUNNEY. It would be helpful to have that.

Mr. BYERS. Yes, sir.

Senator TUNNEY. Make it a part of your testimony.

[The article follows:]

[From the Chicago Tribune, Feb. 24, 1973]

AAU 'VILLAIN': SEAGREN

(By Don Pierson)

Pro track is making an impact on the sport even before a meet has been run. How can you call last night's National Amateur Athletic Union championships in New York a national meet when many of the nation's best track men weren't there?

This has always been the case, of course, because many collegians and others choose not to compete in the National A. A. U. for various reasons. But it has always been by choice. Now certain athletes cannot by law compete in the A. A. U. meet because they are pros. If the pros succeed, track will eventually go thru the same situation golf and tennis experienced.

The pole vault was the feature event in New York last night, but how can it be called any sort of national championship when Bob Seagren is banned?

Seagren became a pro in a hurry this week and grabbed more attention [not to mention money] by winning a contrived sports circus than he ever gained by winning in the Olympics Games or by setting a world record. Think of the interest he would have created had he competed in New York last night. But he will never be in a "national" meet unless the new pro outfit [International Track Association] he and other top stars have joined goes over big enough to force open competition. Even Wimbledon had to yield to open tennis.

Seagren attacks the A. A. U. by saying, "I didn't have any complaints about competing for nothing. We knew we were competing for nothing. We understood that.

"But what really started to get to me was the way money was made from us. There were Bob Seagren sequence photos and Bob Seagren film clips showing my vaulting technique. They cost up to \$10, and the people who put them out didn't even have to ask my permission.

"I guess the A. A. U. got some royalties out of it, but I never got a cent. And when the Johnny Carson Show asked me to be a guest, I had to direct them to the A. A. U. Then the A. A. U. would tell them, 'Okay, but we'd like a \$1,000 donation,' and that would kill the appearance."

Seagren sees the A. A. U. as "the real villain in American sports today." He says amateur athletes are not organized enough to battle the organization collectively, but have learned to get around it individually to collect under-the-table payoffs.

Seagren vows "to fight to my last day on earth to see to it that the A. A. U. loses its chokehold" on young athletes. Maybe it won't take that long if pro track succeeds.

Mr. BYERS. I guess the point I was making is the weaker the franchise holder gets then the more he has to be dependent upon his own country's other franchise holders or upon friends abroad not to vote him out if somebody from America tries to replace him. This certainly is not in the best interest of American athletes.

Let me give another example of what happens in this political maneuvering to maintain control, which Congressman Metcalfe described more specifically.

We have an exhibit from Mr. William E. Simon. He was the chairman of the National Olympic Fund Raising Committee. He headed the committee that raised \$8.3 million for the U.S. Olympic Committee in the last quadrennial.

And he has written a letter to the president of the U.S. Olympic Committee, Mr. Krumm, in which he describes his frustrations and disappointments and why he is leaving.

Senator TUNNEY. This will be made a part of the record.

Mr. BYERS. Thank you, sir.

[The letter follows:]

SALOMON BROTHERS,
New York, N.Y., November 8, 1972.

Mr. PHILIP O. KRUMM,
President-Elect, U.S. Olympic Committee,
Kenosha, Wis.

DEAR PHIL: I am writing this letter to inform you that after much soul searching I have decided that I must resign as a member of the United States Olympic Committee and National Chairman of Fund Raising. It is personally sad for me because of my great love of sports, and my deep belief that the Olympic movement is one of the real hopes for peace and understanding in this world.

My decision obviously requires some explanation. It has been evident to many people that there must be many changes made. However, before any meaningful changes in this organization can be accomplished, intra political pressures must be removed. These pressures have marked almost every decision that has ever been made. As it stands now, the organization is not structured along the lines of competence. It is structured to make sure that all of the sports governing bodies are represented with little or no regard for the talents or abilities of the people involved. And, before any important decisions can be made, everyone must be sure that all the "political ducks" are in order. These machinations involve many costly and insane trade-offs. It is obviously a hell of a way to run a railroad.

Olympics are big business! They require many of the skills employed in business and cannot just be run by the "sports types" that presently dominate the entire organization.

There is need for more thoughtful public participation at the policy level. This has been made very clear by all of the newspaper articles and television programs, and also from the many many people I have spoken to since returning from Munich. This is especially true with the legislation that has already been introduced, as well as the pressures being applied from Washington, which I believe will become even more intense after the election.

This clearly was a mandate for thoughtful, intelligent, constructive change, which stupidly went unheeded.

When it was suggested that my name would be put into nomination as a candidate for Vice President, I decided that if indeed, the USOC was seriously willing to accept an outsider "per se", (one not associated or affiliated with any sports governing body) with a voice in policy, I would have willingly devoted the next four years as National Chairman of Fund Raising, and any other capacity that you might feel I would have been useful.

When I was apprised of the new slate of officers, I was appalled. It was quite obvious to me that the same old methods were employed to choose our leaders with the major considerations being the political ones, completely disregarding what any intelligent person would have seen as a very clear mandate. At that point it was obvious to me that the USOC was going to continue to function in the same political fashion that has marked it in the past. It is incredible to me, that the Executive Committee and the Nominating Committee of the USOC could have totally ignored this opportunity to prove to the citizens of the United States that they were indeed responsible people, and I consider their actions to be the most self defeating that I have ever seen.

Please understand one thing very clearly. The critical point is not that Bill Simon was not chosen to be a vice president, there are many more qualified people in the public world to serve in that capacity, and indeed, if any of them had been chosen I would not be writing this letter. It is a shame that the Olympic Committee can not recognize the objectivity that public participation could bring.

Again, I am personally saddened that I was forced to arrive at this decision, as it seems like the proverbial rat deserting the sinking ship. But, if there are any thoughtful people on the United States Olympic Committee, perhaps they will get my message.

Sincerely yours,

WILLIAM E. SIMON.

Mr. BYERS. You have another situation which results from this political swapping, and that is what we call the quota system. This is certainly one of the deterrents to our ability to get our best athletes in the competition under our best stewardship with our best logistic support.

Gentlemen, you may wonder why the NCAA has been carrying on this fight for so many years. Dr. Chapman has told you the NCAA as an organization is not interested in securing international franchises, and that is correct. The thing that has motivated us, the thing that has motivated the men in this room and hundreds of others throughout this country is the present system doesn't let you get your best athletes together with your best coaches, with the best preparation, and with the best logistic support to represent our country when our teams go abroad or on this continent when a team carries our flag in athletic competition.

Why we feel so strongly about it is because we dedicate our lives to this proposition day to day with every student-athlete who comes along.

Senator PEARSON. Let me first say Mr. Byers is my neighbor, and he is also my friend, so that is why I am comfortable when I disagree with him.

Mr. BYERS. All right.

Senator PEARSON. If they adopted the so-called Pearson proposal or the Cook proposal and you had these charter franchises approved by an independent board or the Federal Government and they regulated the sanctioning of meets, et cetera, they don't produce any athletes. They don't have any facilities. Would they not in like

manner be very, very weak when they deal with the International Olympic Committee?

Mr. BYERS. I don't agree with that. I will tell you why. If I understand what your bill is about, your bill is going to set up a review board as I understand it to see whether the people that have the international franchises are doing a good job. And if somebody thinks they are not doing a good job and has a better organization, they can come to this board and say, "Look, we don't think XYZ is doing a good job representng us in track and field. Here's why. We think they ought to be replaced."

Do I understand in general terms the gist of your bill?

Senator PEARSON. We disagree, but go ahead, because I want to hear what you have to say.

Mr. BYERS. We think the commission, which as we understand it is federally chartered and staffed by private people without any vested interest—

Senator PEARSON. With athlete representation.

Mr. BYERS. Right, is going to see to it that the people who have our international franchises are knowledgeable people in the field, with a strong program, who can represent America ably in international meetings on technical equipment, and will know how to schedule teams abroad so they get sufficient rest.

All those things I think fall into place when you have people close to the program who handle the international franchise.

Senator PEARSON. My proposal actually wasn't meant to set up a challenging system. We want to start over.

Mr. BYERS. We are not against that either.

Senator PEARSON. But let me ask you this. And I may be getting ahead of what you want to develop. But suppose that the independent board in its judgment, fallible as all collective judgments might be, makes a determination that group XYZ is a group that ought to be chartered to handle track and field events, but the NCAA perhaps disagrees with those kind of people. Maybe the independent board or maybe the governing agency made a mistake in selecting a given group to sanction and to give leadership in international affairs.

Would not the NCAA feel just as strongly and just as—"righteous" is a bad word—but feel just as strongly that they should say to their athletes, "Well, okay, it may be that that agency has the power, maybe that the Federal agency has the power, or the independent corporate entity has the power, but we don't think they are doing a good job, and if you participate your eligibility is gone"?

Mr. BYERS. Well, Senator, the last part is a separate question and has no relationship to the issue.

Now, we have never done that. We have never said that because we don't like the international franchise holder we are going to not let our people compete in international competition simply for that reason.

As far as the Russian basketball team or the Russian track meet, even though we don't think the AAU is a good manager of track and field and basketball, the track meet would have been certified

if they had applied, and the basketball meet was certified when they did apply.

So even though we didn't like the way they ran them we did not withhold our athletes from the competition.

Senator PEARSON. Tell me about the Richmond, Va., track meet then.

Mr. BYERS. All right. The Richmond, Va., track meet, which comes under the certification program that President Chapman described, is run by our Extra Events Committee, of which Wade Stinso from Kansas was chairman.

I believe the meet was in February. It was an outside track meet in the regular season and it required certification before student athletes could compete. The AAU would not apply for the certification. It's the same procedure the Rose Bowl or the Cotton Bowl goes through or 150 other events every year. And they would not apply for the certification.

Our rule says if it is not certified the student athlete can't compete.

So the point of disagreement, Senator, is not that we withheld it. It was not applied for by the AAU. If they had applied for it, if they met the conditions, then it would have been granted even though we don't think the AAU is doing a good job in track.

Now, that case went to Federal court, and the judge ruled that our—

Senator PEARSON. I understand.

Mr. BYERS [continuing]. That our procedures are very sound, and he said they have a good purpose and commended them. He said just because you think you can meet the licensing requirement doesn't excuse you from applying for it. That was his position.

And the AAU refused to apply for licensing for the Richmond meet.

Senator PEARSON. Who sought the injunctive relief?

Mr. BYERS. The AAU financed the suit. The AAU recruited those two athletes for the meet, encouraged them to violate the rule and at the time said that, "We think we can strike the rule down, and you will never pay a penalty, and we will finance your legal fees."

And they did finance the legal fees. In fact, the court in its ruling noted they [AAU] financed the legal fees.

Senator PEARSON. I don't want to mislead you and I don't want to continue this line and interrupt your testimony, which is excellent, but I just want you to understand how I feel. You make a proper and a very valid argument that it is the NCAA that develops these people. You have the facilities. You have the statistics as to money.

But with all this talk about rules, facilities, it comes through to me, perhaps through my own limitation of understanding of what you are saying, to say that these are "your people."

Well, they really aren't. They belong to their families. They belong to their communities. They go through your institutions with all the advantages that you offer. You hone them from probably very crude, muscular kids into very superb athletes.

But I am disturbed by this, and I am disturbed by the great, great concentration of testimony about rules and regulations. And

you make the point that this is necessary for order, and I suppose it is. That's why we pass laws up here every day. But somehow in this whole business the individual, the athlete, gets lost.

And I have been in this dispute before. You recall in 1965 when we used to go around on this. I really don't see a great deal of difference in the testimony today and the testimony we had 8 years ago.

Mr. BYERS. Well, Senator, I remember very well back in 1965, and I am glad you participated. I do have to take exception to your suggestion we feel we own the student athlete.

Senator PEARSON. That's an impression one gets, that at least this Senator gets.

Mr. BYERS. Well, I—

Senator PEARSON. And let me just say that I won't make the same speech when the AAU man comes, but it applies there too.

Mr. BYERS. That doesn't make me feel any better.

Senator PEARSON. I know.

Senator TUNNEY. Just a—

Senator PEARSON. And I will say nice things to you a little later on.

Mr. BYERS. I don't want to be a bore on this point, but I really feel I have to say this to you.

Senator TUNNEY. Excuse me, Senator. Just to pick up the point of Senator Pearson's statement, the athlete versus the system of regulations that you have; it would seem to me that insofar as the Richmond meet is concerned we were dealing with essentially administrative strictures. You said that you did not have any objection to the athletes participating in that meet but that you felt the AAU ought to come forward and apply in an appropriate or proper way according to your rules and regulations.

Is it not true the net effect was that the athletes themselves who wanted to participate were the ones who were going to be badly hurt by these regulations and rules and by the fact that the NCAA was sitting back and saying to the AAU, "You must come forward and comply with our regulations"?

If in fact the NCAA was really interested in the athlete it should have been perfectly willing to say to those athletes, "We do not feel you need protection in this particular instance because we feel that you should participate; therefore, we're not going to stand on the letter of the regulations as they have been drafted or of the procedures as we have adopted them, but we are actually going to try and encourage you to participate in this meet."

I somehow have the feeling that we have departed from substance and have moved into procedure, the substance being the protection of the athlete, the procedure being the NCAA wanting the AAU to come forward perhaps with hat in hand and say, "Will you allow your athletes to participate in this event?"

And that's the thing that bothers me as I know it does Senator Pearson. It was almost as though there was gamesmanship going on between the NCAA and the AAU and the gamesmanship was putting the athlete at the bottom of the heap and causing the athlete a great deal of emotional and mental strain because they saw these two associations feuding with each other and they were just wondering where their rights came in.

Mr. BYERS. Well, Senator. I can understand your concern, and I admire you for it. What you are suggesting puts us in the case of administering double standards. It puts us in the case of selective enforcement, and it's something we really can't live with.

Now, let me give you these statistics. In a given year we certify postseason football games, 37 track meets, 23 all-star games, 59 high school all-star games. We have organizations all over the country that come under this certification program. The Wanamaker Milrose Games in New York. Los Angeles Times Indoor Track Meet in your State applies for certification and gets it. The Baltimore Sun manages an all-East track meet in Baltimore, and they apply.

As a matter of fact, at the Nicaraguan crisis, we had a promoter from the Astrodome offer a substantial amount if the NCAA would approve a game between USC and Oklahoma after the Rose Bowl and the Sugar Bowl. The money would have gone to Nicaraguan relief.

Well, I suppose on your basis you could say, "All right, why don't we waive the extra-events rule and let the game go on?" You can't in our judgment apply the rule to some people, perfectly reputable people, such as the Los Angeles Times, and not apply it to others. We cannot live administratively with that problem.

Senator TUNNEY. That is not quite what I mean. Why couldn't you say to the athletes themselves, we certify you to participate in this meet? Why does the AAU have to come forward and comply with your procedures when after all, it is the athlete himself who wants to participate?

Mr. BYERS. The principles of rules vary by sport; basically for two reasons.

One was the amateur rule. Track and field promoters would call the athlete directly to secure him and offer him improper inducements.

Another problem was the competitive quality of the meet; if they are going to provide financing, if they are going to promise the athlete financial expense money, how are they going to live up to that commitment?

Another is the condition of the competition. Are there rocks on the field? Are these good people who know how to run the meet? The colleges wanted an agency to check the outside promoters. You cannot call up the press and say, press, are you going to pay the expense money? Is it a good meet? Do we contact the athletic director so he can check and make sure the athlete is not going to miss an exam.

You have to go to the meet promoter to get that information.

We did not care whether the AAU filled out the form. Whoever ran the meet originally was the only fellow that had to fill out the form. I do not know now whether he is an AAU man or not. They can come any way they want to, just the Rose Bowl games. The Rose Bowl does not feel it is coming, hat in hand, to the NCAA. It is having someone run a quality meet and making certain the kids are going to get expense money and so on.

So, I guess what I am trying to say to you, Mr. Chairman, I believe this and am totally convinced this rule was never put in as a

jurisdictional weapon. It is not that. None of our rules are jurisdictional weapons. They are put in by educators for educational purposes.

We are tested in the courts all the time on that issue. We happen to be in four courts right now. We have to justify our rules. So there is a continuous checking to make sure we can justify our rules on an educational basis.

I think it is perfectly relevant. We have here the decision by the Eastern District Court Judge of Virginia in this action of Richmond. He looked at those rules and he said, "They are useful and perform a meaningful function. They are educationally sound." He said it is not right to duck the license just because you think you meet it. The licensing principle is the law. You ought to try to get the license.

The point I want to leave with you is it is not jurisdictional legislation.

Senator TUNNEY. Senator Beall?

Senator BEALL. Mr. Chairman, I have to leave but I have one question among many that I wanted to ask that does bear upon this subject.

What consequences, Mr. Byers, if any, are there for the competitors because of the fact the NCAA has withdrawn from the U.S. Olympic Committee?

Mr. BYERS. None that I see as far as their eligibility to compete.

Senator BEALL. Is there eligibility as far as the events that lead up to qualification for the Olympics?

Mr. BYERS. Our position is as an organization we cannot subscribe to the U.S. Olympic Committee's being managed, the way it is. We made it clear to all our members in written communication that it is a matter for each coach, each athlete to make his judgment as far as participating.

It is not our intention to try to affect that decision.

Senator BEALL. Is it your intention to try to encourage American athletes to participate in those events leading up to Olympic qualification?

Mr. BYERS. As far as the NCAA championships, of course, they are going to be competing in those. If by encouragement, you are asking will the NCAA, as an organization, issue notices to the membership urging all athletes to compete in the Olympic Games—I think we would withhold that decision until we find out whether the U.S. Olympic Committee is going to be reorganized and whether the procedures are going to be changed.

Now, let me make it clear, that does not imply any position. Our position is each individual, each institution makes its own decision.

But—this is a matter for the NCA Council to decide.

I wonder whether—if the quota system, let's say, is maintained the way it has been operated in the past, whether we would be content in saying the U.S. Olympics are well managed; they are doing a good job; everybody should cooperate 100 percent.

Senator BEALL. Understand my question: My personal opinion is that the weight of the argument appears to be on your side in the argument with the Olympics Committee. I think it appears to me

that it is not well managed. It appears to me that the representation system is poorly drawn and there is a disproportionate share among certain representatives, among certain groups.

The reason I ask the question is I think our ultimate concern should be that any athlete in America who is capable and who desires to compete ought to be encouraged to compete in the next Olympic games and compete in those events leading up to qualification for the Olympic games.

I would hope all responsible people engaging in competitive sports, watching competitive events around the country, would encourage America's best athletes to do so.

Mr. BYERS. I certainly have no disagreement, Senator. I also hope there would be things coming out of this committee that would give our amateur athletes more confidence that when they do qualify for the Olympics they have the kind of stewardship they deserve.

Mr. BEALL. I share that.

Senator TUNNEY. Mr. Byers, we do have time constraints unfortunately. Did you have any quick summary that you would like to make of the points that you have been making?

Mr. BYERS. May I comment on the bills themselves?

Senator TUNNEY. Yes, please do.

Mr. BYERS. Let me tell you briefly what the quota system is so you understand.

Senator PEARSON. Did you get to respond to me to your satisfaction?

Mr. BYERS. No, sir. I did not. But I can do that some other time.

Senator PEARSON. I think he ought to do that. I made quite a speech.

Mr. BYERS. I hope I can be as brief and as pungent.

Our rules are designed to maintain the program on a sound basis and our rules must be successful because very frankly we have a heck of a program. I do not know of any reputable institution that has the feeling we are going to have rules that will tie this fellow hand and neck. I do not believe that has ever been the goal of a rule in the NCAA.

We have more rules in the Constitution and Bylaws designed to protect the athlete from excessive practice by his own coach, from recruiting situations—and we need more rules in that area—to protect the athlete from the institution, the coach, as well as the outside influences.

Thank you for the opportunity.

The quota system is what happens when you get into organizational swap-outs, which we have been describing in the U.S. Olympics. You get to where the head coach is picked but he does not get the right assistant coach because that is going to some other organization.

You get the Games Committee, such as in basketball, governing the selection of players.

It is like George Allen running the Redskins. The Board of Trustees of the Redskins are going to govern the assistant coaches and tell him who he can sign and who he cannot.

Let's say the Games Committee gives a wide latitude to the coach. The committee when it finally sees an organization does not have a

player on the team says, "Wait a minute, coach: we need to get somebody from this organization, an AAU player, NAIA * * *"

So by passing, we take this boy so we have everybody represented. That is what we call the quota system. It is a damaging system and it is not right.

You reflect upon why over three Olympiads, the greatest team in college basketball history, UCLA Bruins, have not had their superstars participate. It stems from a very unfortunate incident in two consecutive Olympic trials involving players Willie Naulls and Gale Goodrich, and Coach John Wooden.

Well, there is a lot to say on the quota system. I want to put it in your mind.

Senator TUNNEY. I am glad you brought it up. It sounds to me like a pretty rotten system.

Mr. BYERS. It could be improved, yes, sir.

Senator TUNNEY. Well, would you just comment on the bills that are before us?

Mr. BYERS. Yes, sir, very briefly.

Senator Tunney, we are supportive of your bill and we hope that it will be moved forward promptly. We hope that you will put a very reasonable time schedule on the Commission. We have found that as each Olympic Games approaches, there is immediately cries of, Don't rock the boat.

We are concerned that any proposals brought back by your Commission will be subject to that kind of attack.

Secondly, we think that before you appoint your Commission, this committee should resolve once and for all whether the U.S. Congress has the authority, if it desires to exercise it, to determine the makeup of the U.S. Olympic Committee.

The position is going to be taken, if it has not already been, that the Congress has no authority over the USOC.

I think until that decision is reached, I do not particularly see why the Commission should be started.

Senator TUNNEY. One thing is very clear: The USOC is chartered by the Congress. The Congress can eliminate the charter if it wants to. Congress can amend the charter any way it wants to. The Congress, of course, has the perfect right to make these determinations; and the only argument against it, I suppose, is from the USOC, that they are a creature of the Congress.

I do not think anybody on this committee, certainly I don't, would give any credence whatsoever to that argument.

Mr. BYERS. That is reassuring, sir.

We are strongly in favor of Senator Pearson's bill subject to some amendments. We do think that the two bills must be adopted, because in our judgment the Senator Tunney bill, your bill, deals with the Olympic organization; but it does not deal with such problems as competition in a Russian track meet; the problem with sending a team to Red China such as swimming, basketball—and incidentally, we are sending a basketball team to Red China this year.

Senator Pearson's is directed to the international franchise holders who make international arrangements between Olympic games as well as participants in the Olympic competition.

Both bills are badly needed. We think Senator Pearson's bill, in all due respect, sir, should embrace some amendments.

Senator TUNNEY. You are going to submit to us what you think those amendments should be?

Mr. BYERS. We would like to have that privilege.

Senator TUNNEY. You will.

Mr. BYERS. Both bills we think are constructive.

Senator TUNNEY. How about the Gravel bill?

Mr. BYERS. Senator Gravel's bill we have difficulty with. We definitely do not believe Federal money should be put into amateur sports until amateur sports problems are resolved. We think the problems will be increased by the lure of Federal money rather than decreased.

We also have some difficulty with the idea of Federal money being in sports, leading to Federal control. We think that is almost inevitable 20 years from now if it happens.

Also, we are fearful that a great many people who are willing to subsidize amateur sports today through private money, might cease that effort and come to the Federal Government to take care of present subsidies as well as the projects the Gravel bill has in mind.

Senator Cook's bill, sir, we strongly oppose. We appreciate his interest and concept, but we think he envisions a FTC, an ICC for sports.

I notice all those people had terribly big buildings down the street for those activities. We think that kind of thing will lead to a heavy-handed Government control which is not needed.

The problem with amateur sports is the international board of competition, not in the domestic area. That is the point that ought to be treated and that is the point that is treated by your bill and Senator Pearson's.

Senator TUNNEY. Thank you, very much, Mr. Byers.

We do have more questions for you. I know I do and Senator Pearson and Senator Beall. We do not have time, however, because we have other witnesses today to ask those questions.

We would like to submit them to you in writing and if you could respond in writing, your responses and questions will be made a part of the record.

Mr. BYERS. I shall do so promptly. May we put this Federal court decision in the record?

Senator TUNNEY. Yes.

[The statements follow:]

STATEMENT OF DR. ALAN J. CHAPMAN, PRESIDENT, THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

We welcome this opportunity to appear and offer the views of The National Collegiate Athletic Association regarding the four bills affecting the administration of amateur athletics on which these hearings are focused. Each of these bills represents a different approach to dealing with issues raised by the conduct of amateur athletics at the international level, issues which this Committee discussed in hearings held in 1965.

It is the position of the NCAA that the administration of U.S. participation in international athletics must be reformed. We had hoped that such reform could be achieved without government action, and since 1965 there has been progress in some areas—but it has been painfully slow, and in the meantime problems persist.

Accordingly, some form of government intervention may be necessary to hasten and direct the needed reform. We believe, however, that any such intervention should identify the basic problems, and be carefully fashioned to deal effectively with these problems, while at the same time interfering to a minimum in the successful conduct of domestic athletic programs. The NCAA's Executive Director will follow me with a detailed statement of the NCAA's position on these issues and on the proposed legislation before this Committee.

However, because a systematic effort has been made to cover up the real source of the problems in the international athletics area with irresponsible charges against the NCAA, I would like first to briefly describe our organization and its goals.

THE NCAA AND ITS MEMBERS

The NCAA is a voluntary, non-profit, educational organization. It is composed of 771 members of which 696 are four-year colleges and universities and 75 are allied and affiliated organizations. The NCAA membership provides intercollegiate competition in 24 different sports in which more than 175,000 students compete annually. In total, NCAA members annually spend more than \$237.4 million in the administration and conduct of intercollegiate competition. Deducting all sources of income to the colleges from gate receipts, television, radio programs and like sources, NCAA four-year institutions of higher education today are subsidizing intercollegiate competition by approximately \$23.3 million. This means that at a time when higher education is faced with the most critical financial crisis in its history, it is running a deficit of \$23.3 million in an effort to maintain intercollegiate athletics because it thinks sports participation is a valuable educational experience.

NCAA member institutions, working through regional athletic conferences and the NCAA at the national level, are responsible for the United States athletic might in those sports in which the American people are nationally proud. The investment is enormous, the end-product superb and the facilities, coaching skills, training methods and medical attention to athletes at NCAA colleges are unparalleled in any other nation of this world.

The NCAA is a voluntary organization of institutions. No institution is required to belong to it. Any member, any group of members or all members are free to resign from it. An understanding of the flow of power within the NCAA is essential to understanding the organization. NCAA policies are determined by delegates voting in annual Convention and those delegates are appointed by the chief executive officer of each member institution and allied athletic conference. Sometimes the voter is a college president, more often he is a faculty athletic representative and frequently, he is an athletic director. A key element of the NCAA structure is the required rotation of all officers, members of the Executive Committee and Council and members of all committees of the Association.

The membership growth of the NCAA attests to the value placed upon NCAA services by member colleges and universities of the Association. In slightly less than 25 years, the NCAA membership has grown from 317 to 770, an increase of 142.9%.

PURPOSES AND OPERATIONS OF THE NCAA

Our Association's rules and regulations have three fundamental purposes:

1. To prevent the student-athlete or the athletic program from being exploited by the coach, his institution or outside promoters. By exploitation, I mean attempts to capitalize upon the athlete's or college team's athletic prowess without regard to the student's educational needs and attainments.
2. To maintain those particularly popular intercollegiate sports activities within reasonable educational boundaries and control so that in fact they can be justified as a desirable extracurricular function of an institution of higher education.
3. To maintain a reasonable degree of equal opportunity and competitive balance between and among institutions of higher education on the playing floor and field. This encompasses number of games, outside practice, extracurricular competition, recruiting, financial aid and other limitations in areas of activity in which institutions find themselves in intense competitive situations with each other.

It is the first two of these purposes (the prevention of exploitation and the maintenance of educational soundness) that most concerns NCAA member

institutions when one speaks of amateur athletic reform for the purpose of enhancing international excellence. In our zeal to accomplish such reforms, extreme care must be exercised to insure that they do not open the door for exploitation of student-athletes by outside promoters nor allow outside competition to impinge unduly on the students' primary obligation—his education.

In pursuit of these purposes, the NCAA in 1948 created an Extra Events Committee in order to bring under some reasonable control the plethora of postseason football games which were causing the management of our member institutions considerable difficulty. Thus, standards were established which the managements of such games were required to meet before the games were certified and member institutions could compete in them. The history of the colleges' control of outside competition has been that the membership of the NCAA has brought these activities under inspection and approval only when it has found that the outside promoters in a particular sport were disrupting the college programs and the student-athlete's educational commitment, or there was need for assurances that the competition was properly managed for the purposes of the competitors' safety. For example, you will find controls of varying degrees apply in football, basketball, track and field and gymnastics, but not in swimming, lacrosse or fencing. Further, NCAA members have never contended they should have an exclusive certification or sanctioning authority as to such outside competition. And NCAA has no desire to become an international franchise holder in any sport.

I raise these points because the NCAA's certification procedures have occasionally been associated with problems encountered by the AAU. It must, therefore, be emphasized that the rules are adopted by the NCAA membership is needed to provide proper administrative direction for their programs. They are rules tailored to the experience and programs of NCAA members. Other college institutions may have different rules to fit their own programs and experience; the fact that NAIA rules may differ from NCAA rules does not bear in any way on the NCAA's rules. The rules of the NCAA are the rules determined by member institutions to be needed in the administration and conduct of their programs, and they definitely are NOT in any sense regulations designed as weapons to combat the AAU. They become bothersome to the AAU solely because the AAU chooses to ignore them and to assert sole authority over the use of NCAA competitors in outside meets—irrespective of the needs of the student-athlete, the university or its athletic program.

Certification procedures are not, however, the basic problem. That problem is the need for reform of the USOC and its franchise holders in Olympic sports. Mr. Walter Byers, Executive Director of the NCAA, will discuss these problems and possible solutions.

STATEMENT OF WALTER BYERS, EXECUTIVE DIRECTOR, THE NATIONAL
COLLEGIATE ATHLETIC ASSOCIATION

Nearly eight years ago, in August 1965, this Committee held hearings on problems of amateur sports in America. This week, the Committee is repeating the process with a new determination to find and to enact into law the elements of a solution. No doubt each of you is asking himself the questions:

- (a) Has any progress been made in the past eight years?
- (b) Why do problems continue to exist in amateur sports? and
- (c) What degree of government interference is necessary to achieve a solution?

To seek the answer, it is first necessary to separate domestic from international competition. As you probably know, the bulk of U.S. participation in competition in all major sports is domestic, that is, competition among predominantly American athletes conducted in American facilities. So far as I am aware, there are few, if any, serious problems affecting any aspect of that domestic competition in track and field, basketball, gymnastics, or any other major sport. This is because the overwhelming preponderance of all domestic competition is conducted by the school-college community—the educational environment in which most American athletes, coaches, trainers, athletic directors and other administrators co-exist and work well together and in which most of the significant U.S. amateur sports facilities are located.

I think you know the result: the American school-college athletic program is a tremendous success, has resulted in tremendous benefits to the athletes and, in many respects, is the envy of the rest of the world.

The problems arise in *international* competition, whether conducted in the U.S. or abroad. They stem mainly from the structure of international sports organizations and the U.S. organizations which are members of the international bodies. In the late 19th century, these organizations were created by the well-to-do as a private, voluntary avocation of gentlemen of leisure. In essence, they were private clubs, and that's what they attempt to be today. Often, the people who set up an international sports federation in a particular sport were the ones who were or became recognized at the franchise holders in that sport in their respective countries. They enacted rules of exclusivity, they asserted monopoly rights in the sport and they enforced their monopolies with eligibility rules, boycotts, blacklists and similar tactics. In this country, they invented terms such as "open" to refer to the competition over which they asserted jurisdiction, and "closed" to refer to that over which they did not or could not. Because the school-college competition was beyond their control, they called it closed. But if one non-student competitor was involved they called it open and demanded the right to approve the competition even though they had nothing to do with it.

It is remarkable how much friction this attitude has created in so small a portion of the total amateur competition conducted in this country in any given year. Even a single track meet involving one foreign country can create national attention when the U.S. franchise holder schedules the event during the college season, expects to use college players to make it a success, intentionally fails to request certification from the college organizations and then manufactures a public issue. The uproar is out of all proportion to the significance of the competition. Worse, it is totally unnecessary and leads to inefficient administration and poor athletic results. This situation is living proof of the chaos which results from having an international franchise holder who is in fact totally divorced from the active conduct of the U.S. competitive program in that sport.

As a result of this Committee's efforts in 1965, the Vice President, acting pursuant to a Senate resolution, appointed five members of an arbitration panel who were assigned the task of attempting to resolve the problems resulting from precisely the situation I have just again described. At the outset of the arbitration proceedings, the AAU severely limited the issues which it was willing to submit to arbitration, basing its actions on its alleged responsibility as U.S. franchise holder of the international sport federation, in that case the IAAF. It refused to arbitrate its status as "national governing body" for track and field or the authority it asserted pursuant to its own rules as well as IAAF rules. The trouble is that those AAU assertions of authority were the very cause of the disputes. Consequently, the misnamed arbitration panel, after more than two years of occasional deliberations, came up with a proposal which in essence was to preserve the status quo. Since the status quo was itself the problem which had precipitated the hearings, virtually nothing was accomplished by the arbitration panel.

During the intervening years, public attention has focused more sharply on the problems which have afflicted the Olympic Games, especially the mismanagement of the international competitions and the archaic structure and private club type organization of the United States Olympic Committee. For over twelve years, the NCAA and affiliated organizations have tried to achieve reform within the structure of the USOC. The effort consistently failed and last year the NCAA resigned from the organization. Our decision to withdraw was by no means either hasty or ill thought out. It was the result of total frustration of our efforts and those of other member organizations to achieve any of the reforms which would permit this country to begin to realize its true potential in Olympic development and Olympic performance.

During the past ten years, the NCAA has supported and joined the efforts of many other organizations to establish and strengthen single sport federations involving all organizations active in each such sport. These federations have greatly increased domestic competitive opportunities for American young people, whether still in school or out of school. In some cases, these federations have become recognized as new international franchise holders for the United States, e.g., United States Gymnastics Federation, which has replaced the AAU in F.I.G. and has done wonders in revitalizing American interest in

gymnastics. In basketball, BFUSA has in recent years operated as a coalition with the AAU and is presently active in carrying out the mandate of FIBA, the international body, to establish in the U.S. a new American Basketball Association to become the franchise holder.

The point I want to stress here is that at the time the American organizations involved in Olympic sport went to the trouble of establishing federations and trying to obtain the U.S. franchise from the international body in that sport, the USOC had taken the position that this was the proper course through which to seek change. The USOC, in the 1965 hearings, stressed that it was the international federation in a given sport which had the sole power to name or remove a national franchise holder in that sport. Now what has happened? As soon as it became evident—because of the USGF success—that a single sport federation could succeed in displacing the AAU as a domestic franchise holder the USOC adopted the so-called Greenbriar Amendment whereby the USOC asserts the right to require a would-be franchise holder to obtain approval of the USOC before going abroad to seek recognition from the international body. The Greenbriar Amendment flatly contradicts the AAU testimony of eight years ago and constitutes a desperate monopoly tactic to protect the franchise of ineffective, inefficient organizations like the AAU against competing franchise applications from federations whose members represent virtually all of the organizations active in the sport in the United States.

The pattern of these events in recent years makes it clear that there will be no solution to the problems created by the structure and organization of the USOC other than by legislation by the United States Congress. Since the USOC was chartered by Congress in 1950 under a law which retained the power of amendment or revocation, the authority of Congress to act in this area is unquestioned. The Tunney resolution (S. 1018) proposes to establish a commission which would study all of the problems involving the USOC and American participation in the Olympics and directs the commission to return to Congress with specific legislative proposals for reform. Presumably these proposals could include ratification of a new constitution for the USOC such as has been proposed by the Committee for a Better Olympics and could include changes in the legal designation and could include changes in the legal designation of those persons entitled to compose a U.S. Olympic Committee and use the name Olympic. These are some of the many aspects of the USOC which deserve careful study and, accordingly, we endorse the effort of Senator Tunney to bring such a study to fruition, provided it is on a timetable calling for prompt action and provided the legislative proposals in the report are given prompt consideration after they have been made.

At the same time, it is clear that determination of the domestic franchise holder in Olympic sports, or other sports, for that matter, is a specific problem requiring direct action. We cannot continue to let the USOC tell the United States that the matter is entirely in the hands of an international federation and then when the international body acts to the displeasure of the USOC have the USOC tell the United States that only the USOC may approve any change. Obviously, internal reform of the USOC is impossible. The recent minor changes in committee membership are purely window dressing, as the athletes and Howard Cosell testified. The only possible change with respect to freedom of competition for a franchise is in the enactment of a law that requires it. This is the heart of Senator Pearson's bill and, subject to adoption of certain amendments, including those necessary to make clear that the United States designation of a franchise holder is final and must be accepted by the international body if the U.S. is to participate in that sport, we favor adoption of the Pearson approach to this central problem.

In stating the NCAA's position in favor of the Tunney and Pearson proposals, we are not unmindful of the problems which can result from any government interference in the field of private sport. Nevertheless, we see no alternative. We are confronted in this country with self-perpetuating private club monopoly both in the USOC and in the holders of international franchise designations. Several of these organizations sit back and watch the rest of the nation produce the money to make the sport possible in this country, provide all the facilities, coach and train all the athletes, provide all of the meaningful competition, and develop all of the class competitors for international competition. When all that has been done, the dilettantes

who belong to the clubs step in and take charge of all aspects of international competition from the qualifying trials to the Olympic Games themselves. The result, at least, is inefficiency; frequently it is chaos. The Pearson proposal would establish an agency for the consideration of competing applications for a franchise award. At the very least, this would permit granting international responsibility to organizations having some knowledge of the proper conduct of the sport. With such legislation, the United States can begin to determine whether those groups which have international rights are qualified to govern the entry of our national teams in international competition. If such legislation were further coupled with total reform of the USOC, we could put together in this country an Olympic potential many times greater in all respects that we have ever done in the past.

I wish to make two further points. First, there is no need for any franchise holder to be given sanctioning or other monopoly rights or powers over domestic competition in the sport. International rules do not even purport to impose any such requirement. It is a simple matter for any of a number of qualified organizations to maintain the amateurism of their competitors without yielding control of any aspect of their own domestic competitions. We should no longer consider the concepts of open and closed competition because those terms are now academic. In the past five years, meet operators consistently have ignored the AAU rules in this regard without in any way jeopardizing the amateur status of the athlete under international rules. Therefore, we should focus on the fact that the need for reform is in the area of international competition.

Second, I would like to speak about the use of facilities. The NCAA, for the past several years, has contributed its own time and money, and its member institutions have contributed their facilities to the National Summer Youth Sports Program (also known as the Youth Recreation and Sports Program). This program has done a world of good for underprivileged youngsters who otherwise would never see or enjoy a college campus, use college athletic facilities or be afforded expert coaching advice or, in some cases, even get one hot meal a day. This program has been underway for the past five years, financed \$2.9 million by the Federal government and \$2.5 million by the colleges and others in the private sector. Each year many additional institutions have inquired as to how they could participate in the program only to be told that there was not enough money appropriated by Congress to permit them to do so. I submit that it is not necessary for the Congress to establish any new federal agency or even to give any new powers to any existing agency in order to expand to hundreds of thousands of additional youngsters the opportunity which this program has so well succeeded in bringing to our young people in our cities. All it takes is a larger appropriation. For years the NCAA has been requesting a scheduled increase, escalating each year, to use existing facilities of colleges which wish to participate but which cannot do so unless the government will help defray the cost. In some of our major cities, this program could exist in 6 or 8 or 10 universities in the metropolitan area instead of one or two, as at present. It is impossible to estimate the total potential for good which this would offer to our children in terms of health, clean living, education, character building, and prevention of crime and drug abuse. It is an opportunity which is sitting on the doorstep of the nation and which the NCAA has called to the attention of Congress and the Administration during each of the past four years. It undoubtedly offers the cheapest opportunity to achieve the greatest good through expanded use of athletic facilities in our country. Senator Tunney's earlier sponsorship of a bill on behalf of the NSYSP is gratefully acknowledged.

In concluding, I urge you to realize that the problems with which we are dealing, while complex, are by no means insuperable, and can be resolved with a minimum of government interference. I do not regard it as government interference to use taxpayers' money to help make college athletic facilities available to ghetto children during the summer or all year long. I do not regard it as government interference to recognize that the United States has a legitimate public interest in its performance in Olympic competition sufficient to provide a mechanism to determine the franchise holder for each sport, to determine how and under what constitution its own Olympic committee should operate, to require full public disclosure of all financial and

other operations, and to determine what persons or organizations deserve a federal charter and the exclusive right to the use of the word Olympic.

We are at a stage in our history where the continued refusal to face up to the responsibility to require that these things be determined in accordance with the public interest will lead only to continued disaffection with the Olympic movement and continued failure to achieve even a fraction of our amateur athletic potential as a nation and as a competitor in the world.

In the United States District Court for the Eastern District of Virginia,
Alexandria, Division

FREDERICK A. SAMARA, ET AL., PLAINTIFFS,

v.

NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA), DEFENDANT

Civil Action No. 104-72-A

Memorandum Opinion and Order

Plaintiffs are two college seniors who are also gifted athletes in track and field. One attends the University of Pennsylvania and the other Adelphi University, both of which are members of the defendant association (NCAA). The plaintiffs and students from other schools were invited to participate in the Russian-American Track and Field Meet to be conducted by the Amateur Athletic Union (AAU)¹ in Richmond, Virginia, on March 16, 1973. This meet qualified as an "Extra Event" as defined in Article Two, Section 4, of the NCAA By-Laws, which requires "certification." (Pltf's Ex. 1, p. 43; attached as Appendix I.)

Article Three of the Constitution of the defendant reads in pertinent part as follows:

"An institution shall not permit a student-athlete to represent it in intercollegiate athletic competition unless he meets the following requirements of eligibility:

"(g) He shall be denied eligibility for intercollegiate track and field competition, if, while a candidate for the intercollegiate team in track and field, he participates in track and field competition which is subject to the certification program specified by Bylaw 2, but which has not been certified."

The March 16, 1973, event was not "certified," although the defendant would have "certified" it had the AAU requested certification.

The plaintiffs seek declaratory and injunctive relief. A temporary restraining order was issued on March 16, 1973, and was by agreement continued in force until a hearing on the application for a preliminary injunction. The trial of the action on its merits was advanced and consolidated with the hearing of the application. F. R. Civ. P. 65(a)(2). The trial was had on April 17, 1973. Jurisdiction is based on diversity and is also asserted under 28 U.S.C. §§ 1331 and 1343.

Although the prayer of the complaint is much broader, at trial plaintiffs limited the requested relief to an injunction against the defendant's taking any reprisal or disciplinary action against them for having participated in the March 16, 1973 event.²

¹ AAU suggested to the plaintiff that they file this action and paid their attorneys' fees.

² "Now, this goes down to the scope of the relief we're seeking here. We're not going to urge this Court to go beyond the precise issues in this case. The precise issue in the case is whether these athletes, these two plaintiffs, should be free from this day on from any threat, whether express or implied, of reprisals against them for having participated in the Russian-American Track Meet in Richmond, Virginia, on March 16, 1973." And further, "so that no reprisals will be taken against these plaintiffs as a consequence of their exercise of their free will to participate in this meet in Richmond against the Russians."

"I say the scope of the injunction here is rather limited but the effect of it would be to either nullify the enforceability or expunge in effect the Rule 9-G as to these plaintiffs, as to this defendant. . . . That's the limit of the relief we're seeking in this case, your Honor. . . . The class will grow each year because each year at the Russian-American meet there will be new athletes coming in."

(Oral final argument of Mr. Brown, counsel for plaintiff.)

Since the named plaintiffs are the only ones allegedly threatened with such reprisals, this limitation strips the action of its class character.

The theories upon which the plaintiffs proceed are these:

A. That the conduct of the defendant constitutes the tort of interference, without justification, with prospective advantage.

B. That the conduct of the defendant amounts to a violation of the Sherman Act, 15 U.S.C. § 1.³

C. That the conduct of the defendant is stat action and violative of the plaintiffs' rights under the First, Fifth and Fourteenth Amendments to the Constitution, and as such redressable under 42 U.S.C. § 1983.

The Court will discuss the theories in that order.

A. TORT—INTERFERENCE WITH PROSPECTIVE ADVANTAGE

The theory underlying the doctrine of tort liability for interference with prospective advantage is carefully laid out in Prosser, *Law of Tort*, § 124 (3rd Ed. 1964). Its purpose was to protect customers from being driven away from the market potential available to them. The basis for liability closely parallels that required in a contract situation. An element necessary to establish liability under this type of action is malice. Consequently, such a case turns almost entirely on the defendant's motive or purpose. Where the underlying reason for interference with the plaintiff's prospective advantage is to protect a legitimate interest, rather than for a malevolent purpose, no liability arises. Furthermore, the courts are especially redunctant to entertain such an action unless there is some degree of certainty that the plaintiff will receive anticipated benefits.

Accepting this analysis, the case at bar is distinguishable from liability contemplated by this doctrine. There is no evidence of malicious intent on the part of the defendant; to the contrary a legitimate and commendable purpose underlies the regulations promulgated by the NCAA; and, most importantly, anticipated benefits are highly speculative where as here there is no evidence to substantiate any future economic detriment to the plaintiffs. Accordingly, it is impossible for this Court to base a finding under the tortious interference with prospective advantage theory.

B. SHERMAN ACT

Actually this is a part of the tort theory discussed above. The plaintiffs analogize their situation to the "group boycott" discussed in *Klor's v. Broadway-Hale Stores*, 359 U.S. 07 (1959) and *Radiant Burners v. Peoples Gas Co.*, 364 U.S. 656 (1961). The legal jump from the theory of those cases to the one at hand is not a long one; however this is not the case to make that jump. This is at best an indirect *threatened* group boycott insofar as plaintiffs are concerned. Any economic injury to the plaintiffs here is speculative; indeed, the *evidence* of any such injury is non-existent. Even accepting the judicially noted "big business" of college athletics recited in *Behagen v. Inter-collegiate Conference*, 346 F. Supp. 602, 604 (D. C. Minn. 1972), the Court cannot extend that notice to the narrow issue of track and field activities involved here.⁴

C. FOURTEENTH AMENDMENT—STATE ACTION; AND FIRST AND FIFTH AMENDMENTS

Plaintiffs' counsel conceded during final argument that this was his "weakest" theory. Where it ranks among the three theories is uncertain.⁵ An argument that supports a finding of state action insofar as Samara is concerned would be that his school, University of Pennsylvania, is state supported and that it has delegated to the defendant the right to impose sanctions affecting the plaintiff. Certainly, insofar as the plaintiff Walker, this argument is inapplicable. He attends Adelphi University, which according

³ This theory was not relied on in the pleadings, but was advanced for the first time at trial. At that time an oral motion was made to amend its Complaint to include it as a basis for relief.

⁴ The Court is aware of certain newspaper speculation that track and field athletes may "turn pro;" however the speculation remains just that.

⁵ State action has been found to exist insofar as this defendant is concerned in *Curtis v. NCAA*, Civil No. C-71-2088ACW (N. D. Calif. Feb. 1, 1972), and *Parish v. NCAA*, Civil No. 18,733 (W. D. La. Mar. 27, 1973).

to his counsel is not a tax-supported school. Perhaps it can be argued that because the NCAA is made up of a substantial number of institutions which are state supported that any action by the NCAA is state action. The arguments are tenuous. Assuming for the purpose of argument, however, that there is state action here we are guided by *San Antonio School District v. Rodriguez*, Civil No. 71-1332 (U. S. Mar. 21, 1973). There it was held that education is not among the fundamental rights guaranteed by the Constitution. Athletic endeavors at educational institutions rise no higher. Consequently any state action need not be "subjected to the searching judicial scrutiny reserved for laws that create suspect classification or infringe upon constitutionally protected rights." Rather the standard of review is only whether the "state's system be shown to bear some rational relationship to legitimate state purposes. *Id.* at 36.

It is, in the Court's view, a legitimate state purpose to seek to insure that college amateur athletics are conducted in the manner set forth in Article Two of defendant's Constitution entitled "Purposes and Fundamental Policy," as well as in Article Three entitled "Principles for the Conduct of Intercollegiate Athletics." (Pltf's Ex. 1, pp. 5-18; attached as Appendix II.) The requirement of certification for Extra Events described in Article Two, Section 4 of the By-Laws likewise bears a rational relationship to a legitimate state interest.

The testimony is uncontradicted that there were in fact abuses in the past that gave rise to the need and desire for some regulation. If this is state action then it seems that the requirement of certification is analogous to a requirement of licensing. The regulations here are reasonable. The plaintiffs argue that even so it was unreasonable to apply the regulation to the March 16 meet, pointing to defendant's position that if the AAU had just applied certification would have been forthcoming. This they say indicates there was no need for application of the regulation to this meet. But it is no answer to a licensing requirement, otherwise valid, to say that "Since I meet all the requirements of the license I need not apply for one."

Had certification been applied for by the AAU and then denied by the NCAA, another issue might present itself. If disciplinary action had been taken which directly or indirectly affected substantial rights of the plaintiffs the problem of procedural due process being accorded them would have to be met. Neither is the case here.

Nor does the Court find any right guaranteed to the plaintiffs by the First or Fifth Amendments to be violated.

The action is accordingly dismissed, without prejudice to plaintiffs' right to assert, in another action should sanctions actually be imposed to their detriment, that they are entitled to relief; and it is so ordered.

ALBERT V. BRYAN, JR.

U.S. District Judge.

Alexandria, Virginia.

May 1, 1973.

Senator TUNNEY. Our next witness is Mr. David Rivenes, president, Amateur Athletic Union, and he will be introduced by Senator Lee Metcalf.

It is a great pleasure having you with us today, Senator. Thank you for coming.

STATEMENT OF HON. LEE METCALF, U.S. SENATOR FROM MONTANA

Senator METCALF. I am honored this morning to introduce Mr. Rivenes, who is one of the distinguished citizens of the State of Montana. We are very proud of him and proud that in the State of Montana a pure amateur has become president of the Athletic Union.

I looked at your witness list this morning and I saw where the first witness was Mr. Ralph Metcalfe, Congressman from Illinois. I was in the stands at the Olympics when I saw Ralph Metcalfe started off a hurdle line instead of a spreader's line on one of those staggered starts. In 200 meters he had to run 5 meters further than anyone else. He almost won that race.

I remembered in that Olympics old Harry Holeran ran a 3450-meter steeplechase because they made him run an extra lap because they lost track of the lap count in that race. He holds an alltime. I would suggest, world's record for the 3450-meter steeplechase because it was run only once and will never be run again.

I only point this out because I have been interested in especially track athletics, ever since I was in Stanford and chased 50 yards behind Ben Eastman to world records. He was running the 400 and 800 meters.

I have known athletes and talked to athletes and all they want to do, Mr. Chairman, is compete. They do not care whether they compete under the auspices of the U.S. Olympic Committee or under the auspices of the AAU or the NCAA. They want to compete and they want to demonstrate their skills and their abilities with the other young men and young women with whom they are competing.

This is the reason that I have joined members of this committee in sponsoring legislation to provide for a solution of this controversy. I do not care whether the competition at the other level is such that people want to have power; but as long as they keep American athletes from participating in the sports in which they are skilled and trained, then this is wrong; and I commend the committee and I commend the people here in the room for introducing legislation to correct this situation. I think men of good will can get together and do something about it.

So, now I come to Mr. Rivenes, a citizen of Montana. He is a television star in his own right. He owns a television station. He does not have the Howard Cosell coverage, but around Miles City, Mont., Mr. Rivenes is just as respected as anyone. He is strictly an amateur. I am proud he is here. I am proud to present him, to present him as a Montanan. He is a man of good will. I am sure that we will be able to work something out along the lines that I have suggested.

Certainly we have to provide a climate so that American boys and girls, whether they are track stars or basketball stars or whatever they do, can compete; and can participate without a worry of disqualification or some of those other things that have developed in the last few years.

Thank you, Mr. Chairman. Thank you for letting me on. I will have to leave; and I know Mr. Rivenes and his panel can take care of themselves.

Senator PEARSON. We will take care of them very well.

Senator TUNNEY. Thank you, very much, Senator. I appreciate your interest. I do not think anyone would disagree that what we want more than anything else is to give our young athletes the opportunity to compete. I think your words are very well spoken.

Senator METCALF. Thank you, very much.

STATEMENT OF DAVID G. RIVENES, PRESIDENT, AMATEUR ATHLETIC UNION; ACCOMPANIED BY ALBERT F. WHETTLE, BALTIMORE; OLLAN CASSELL, EXECUTIVE DIRECTOR; AND RICHARD McARTHUR, NATIONAL OFFICE STAFF, INDIANAPOLIS

Mr. RIVENES. Senator, I would like to point out to you and the others here and also to my friend, Lee Metcalf, that the AAU for almost a century has been in the business of making it possible for athletes to compete nationally, and internationally, too, in order that the off year competition—we are in the business of making it possible for them to compete rather than try to prevent them from competing.

I would like to introduce to you the folks I have with me today. On my far left is Rich McArthur from our national office in Indianapolis. On my right is Mr. Al Whettle, from Baltimore. He is an attorney and also a member of our executive committee, and has been for many years very well versed in amateur sports.

To my left, immediate left here is our executive director, Ollan Cassell, who is a gold medalist in the recent Olympic games themselves. He was a great athlete. I do not know whether he is or not anymore. Do you still run, Ollan?

Mr. CASSELL. Not very much.

Mr. RIVENES. They will be talking to you and answering your questions.

For the fourth time in as many months we stand before a legislative branch of the Federal Government in order to explain our view of the crises which confront amateur athletics in this country. We preface our statement with that observation to indicate our continual willingness to go any place, at any time in order to seek a solution to this cancerous growth in our national sports body.

However, this is not, you will recall, the first time we have met with the gentlemen of the Committee on Commerce of the U.S. Senate.

In the early and mid-1960's, the feuding between the bodies involved in the conduct of the sport of track and field in this country became so bitter as to threaten the very survival of the sport. At the specific request of the National Collegiate Athletic Association, the Senate of the United States appointed an arbitration panel known as the Sports Arbitration Board and chaired by the eminent Theodore Kheel.

Following 25 months deliberation, the Sports Arbitration Board arrived at a settlement which Mr. Kheel felt was more than generous to the NCAA and its track group. He was quoted as having said at the time that he was fearful "the AAU would object to the extent to which we had permitted the NCAA to force its way into the domain the AAU had governed for the better part of a century."

We did object; we did feel that it "constituted a signal victory for the NCAA and arbitrarily stripped the AAU of many of its traditional and legal prerogatives." For some 81 years, since its founding in 1888, the AAU had made as a requisite for any sanction the agreement that AAU sanction, and AAU sanction alone, would be used for athletic events. However, in order to implement

the Kheel agreement and conform to the dictate of the U.S. Senate, the AAU for the first time agreed to permit dual sanctioning in order to facilitate cooperation between itself and the other groups interested in the sport of track and field. This policy decision has been in effect, without interruption, since February 1968.

It wasn't the AAU that announced the demand for governmental intervention in this dispute; it was not the AAU that threatened the total disruption of our national athletic program; it was not the AAU that called upon the gentlemen of the arbitration panel to sacrifice 25 months of deliberation.

It was the NCAA.

And, having made these demands and threats the NCAA has, to this date, refused to abide by the decision of the sports arbitration board, despite the fact that Mr. Kheel stated upon the completion of the report, "This is a final decision in an arbitration matter which is final and binding * * *"

And, as Senator Magnuson, chairman of the Senate Commerce Committee, stated, when it became apparent that the NCAA was stalling in the acceptance of the report that, "It is the feeling of my committee, in light of all the circumstances involved, that we must consider the decision of the board to be in full force and effect * * *". While the Nation's press and other interested parties to this dispute condemned the NCAA for its failure to accept the report, it does not change the fact that the solution which we had based our hopes for peace in this matter has fallen short of its promise, solely because the NCAA has steadfastly refused to accept any solution which does not give it complete control over track and field in this country.

We at the AAU charge that the real intent of the NCAA then, and now, is to usurp the power and perogatives of the AAU and other legitimate governing bodies domestically and internationally. The NCAA was prepared then, and is obviously prepared now, to use any method possible to achieve this end. They have used the athlete, the spectator, the Senate of the United States and the designated sports arbitration board to achieve this end. They have been openly contemptuous of the findings of this board, of the board itself and of the Congress and the Senate of the United States of America which authorized that some decision be made regarding this matter.

We do not wish now to restate our stand on the issues that confronted the sports arbitration board. We felt that the makeup of the panel was such as to render a fair decision based upon the facts. The NCAA, too, was quite explicit about its satisfaction with the makeup of the board. On the occasion of the appointment of this board, the president of the NCAA, at that time Mr. Everett Barnes, stated, "Our group had complete confidence that the vice-president would select a distinguished, unbiased and competent arbitration board. These selections confirm that confidence and completely satisfy us."

We understand the concern of the Senate in this matter, too. It was eloquently stated in an open letter to the executive director of the NCAA asking that he permit athletes from NCAA-affiliated

institutions to represent their country in a basketball series against the Soviet Union late last month and early this month. We concurred with the language of that letter when it stated that the series was "an effort to promote and encourage international athletic competition and (a continuation of) the spirit of multinational cultural exchange." The letter was signed by 58 Members of the U.S. Senate, including Senators Cook, Beall, Hatfield, Stevens, Tunney, and Hartke. It was in short a bipartisan attempt to put forward the best effort athletically of which our Nation is capable.

What precipitated the NCAA's initial threat to certain collegiate athletes can best, we suppose, be explained by them. However, it is a misrepresentation of fact to conclude that this was merely a continuation of a feud between two sports bodies and if they would only step aside the series would have proceeded without a problem. Because, gentlemen, it was the AAU which planned and implemented the U.S.-USSR basketball series.

Since 1958, we have been conducting athletic exchanges with the Soviet Union in several sports under the jurisdiction of the AAU. The first of these exchanges was in wrestling, followed in that same year, with a tour of a U.S. basketball squad to the Soviet Union. Perhaps receiving the widest exposure have been the annual Russian-American dual track and field meets, the first one of which was held in Moscow during the summer of 1958. These exchanges while held under the joint auspices of the AAU of the United States and its counterpart in the Soviet Union have always been encouraged and approved by the U.S. Department of State as part of a continuing cultural exchange between our two nations.

These home-and-home exchanges have continued during the ensuing years, providing excellent international competition for the players from both countries and developing a healthy rivalry on the athletic field. They have included competitions in swimming, diving, gymnastics, wrestling, weightlifting, water polo, boxing, trampoline and, of course, track and field and basketball. They have been, I'm sure you will concur, of great benefit not only to sport but to the relationships between our two countries.

As part of this continuing exchange we met last summer during the Olympic Games with the International Amateur Basketball Federation, FIBA, the world governing body for the sport. At that time, the FIBA central board approved the 1973 Soviet basketball tour of the United States which had been planned jointly by officials of the AAU and the Basketball Federation of the Soviet Union and that approval was reiterated and reconfirmed by Dr. R. William Jones, secretary-general of FIBA by cable. These are the only organizations in their respective countries recognized by FIBA as competent to arrange these international exchanges. This is so because only one organization in each country is recognized for membership purposes by the international federation and that organization in the United States is the AAU.

Now, what we have done then, is simply that with which we are charged: to field the best possible teams for international competitions in the sports in which we hold the international franchise. We have not interfered with collegiate or other domestic sports pro-

grams. On the contrary, we have cooperated with all groups, including the National Collegiate Athletic Association, in order to provide excellence in American athletics. And we feel that the Senate and Congress have supported this effort as we have supported—and will continue to support—their efforts to maintain peace on the domestic sports scene.

We ask that that statement be included in the record; and now if you would like to ask questions, I would like to point out first, however, that Mr. Cassell has just now returned from Russia; and I would like to have Mr. Cassell tell us what happened in Russia.

I don't even know myself, because I haven't had a chance to talk to him since he got back. I will be interested in hearing, too.

What did happen, Mr. Cassell?

MR. CASSELL. Senators, my name is Ollan Cassell. My address is 3400 West 86th Street, Indianapolis, Ind.

The recent trip that Mr. Rivenes just referred to was an invitation that was extended to myself on behalf of AAU to come to the Soviet Union and discuss exchanges of amateur sports through 1976; and following 3 days of discussions and talks there, the—a program of exchanges in a number of sports was concluded through 1976, which certainly places the planning of American sports in good hands through 1976 so there can be a program of international competition planned around these events, a program of training, and a program of preparation as we go forward to the 1976 Olympics.

This, of course, will be presented to our people at the recent executive meeting—meeting of the executive committee—which is scheduled for this weekend in Oklahoma City. All of our sports leaders in the various sport—various sports that AAU promotes internationally, they will be reacted to there by those people.

Senator TUNNEY. I would just like to ask you, Mr. Rivenes, whether or not you believe that if we are going to have a reconciliation between the various sporting associations in this country, to protect the athletes and the public, that we must have some means, through some Federal mechanism, to enforce such a reconciliation?

We had testimony from the NCAA that I think could fairly be stated represents a significant attack upon the procedures of the AAU, the sports development program of the AAU, the structure of the AAU; and I think it's clear to say that your statement represents an attack upon the NCAA and their methods of procedure.

Don't you feel that we need some legislation which will create some kind of a Federal mechanism in order to reconcile the differences between these two associations so that the athletes themselves will be protected, so that there is a greater opportunity for competition in the international field for these athletes?

MR. RIVENES. We felt, Senator, that the Kheel committee did that job at that time we were perfectly willing—in fact we agreed to—the final decision of the Kheel committee; and we would still go along with the decision of the Kheel committee.

I would like to have Ollan elaborate on that, if he would like to.

MR. CASSELL. Well, certainly the Kheel committee spent 25 months deliberating this program; and it is—it was in effect for 5 years, which was completed this year in 1973. Since we did support that,

and we have tried to live by that Kheel agreement, Kheel document that was issued, certainly that is the type of legislation or the type of sport that we feel should come from the Congress of the United States.

Senator TUNNEY. You feel that the Kheel committee solved these problems?

Mr. CASSELL. As far as the Kheel committee having lengthy hearings and looking into the problem in greater detail, it certainly was felt at that time that it would solve the problem if it was implemented in track and field.

Senator TUNNEY. Solved all problems?

Mr. CASSELL. In track and field, yes. It basically said to the various organizations what area they should be operating in. That, we think, if that problem is solved, that will be the—that—there would be no reason for any dispute.

Senator TUNNEY. We have heard—

Senator PEARSON. If the chairman would yield, the Kheel report actually just proposed dual sanction. Did it do anything other than that?

Mr. CASSELL. Well, it went a bit further, I think, Senator, than dual sanctioning. It said there were certain types of competition that should be sanctioned by one organization and certain types of competition that should be sanctioned by another organization. It basically defined what—defined some of the areas that have been under dispute for a number of years.

In effect, what is a student athlete and what is a closed competition.

Senator PEARSON. If I may interrupt you, it was the sanctioning of open meets which really was bringing all the controversy at that particular time.

How would anything in the Kheel report have reference to the action taken in regard to the American swimming team being prohibited under arrangements made by the State Department to participate in matches in the People's Republic of China?

Mr. CASSELL. Well, as I indicated before, sir, the Kheel report was—would solve the track and field problem. If it was implemented the way it was outlined in the Kheel report; but Kheel suggested in filing his report that this same type of action be taken in other sports; and he thought that that would solve the problem.

Mr. RIVENES. Senator Pearson—

Senator PEARSON. May I ask this, then—does the AAU approve of the approach suggested by Senator Cook?

Mr. CASSELL. The—we have studied all of these four bills, sir; and we feel that some of them—that some of them have good points and that we can fully agree with them. It's pretty difficult to make a comment on—and take a position on all four at one time; but we feel that Senator Cook's bill, with certain amendments, could be a good bill.

We feel that Senator Gravel's bill, with certain amendments, can also be of great help to the members of the AAU.

Senator PEARSON. That's no different from our own position. These things are working papers. We would like to have some recommendations as to how the Cook bill or the Pearson bill, or the

Tunney bill could be put together. We are looking to you and the NCAA to give some leadership so we can put together a bill and stop this squabbling.

I just read your statement. There was a great deal here about usurping powers and a good deal about rules and organizations, but not very much about athletes.

Mr. RIVENES. Well, as we stated—

Senator PEARSON. The NCAA's statement was the same way.

Mr. RIVENES. As I stated originally, at the start, we are in the business of trying to make it possible for athletes to compete rather than to—rather than to prevent them from competing; and many of the things are objectionable because they are contrary to international rules and regulations that we must follow.

Here in the United States, unfortunately, we don't make all the rules for international competition. They, instead, are made by the international groups and by the international Olympic committees.

Senator TUNNEY. Mr. Rivenes, I am going to ask you to direct your attention to the bills that are before the committee, bills that you have been asked to testify to today.

I am just going to go down each one of them.

Let's start off with the—

Senator PEARSON. May I interrupt for one more time?

Senator TUNNEY. Yes.

Senator PEARSON. Mr. Rivenes, do you have any doubt of the authority of the Congress of the United States to modify the Federal charter that grants the U.S. Olympic Committee its powers?

Mr. RIVENES. No. As I understand it, that was a public bill passed by the Congress; and it's the bill under which the USOC operates. The Congress gave the charter to the USOC. I assume that it can rescind that charter, too.

Senator PEARSON. Well, if we rescinded that charter by law and repealed that action, institute a new governing body, whether it be a Federal agency or an independent body, passed by the Congress, signed by the President of the United States, implemented thereunder by the law, do you have any doubt that the International Olympic Committee would recognize it?

Mr. RIVENES. I couldn't say what the IOC would do. I can only say that the—that it would have to—anything that the new organization did would have to be in accord with rules and regulations set down by the International Olympic Committee. Otherwise, we wouldn't be able to compete in the Olympic games.

In other words, there are 128—

Senator PEARSON. I understand that. We have to participate under the general Olympic rules. I am talking about recognition of the new agency to be the U.S. representative?

Mr. RIVENES. I suspect you are right.

Senator TUNNEY. Let's just take the bills one at a time. The Cook bill. What is your attitude towards the Cook bill?

Mr. RIVENES. I would rather have Mr. Cassell answer this question. He's—

Mr. CASSELL. We feel there are certain items in Senator Cook's bill, the study of safety facilities, the opening of facilities to the various groups throughout the country—that received Federal support.

This type of situation in the Cook bill we think is a positive approach to helping solve the problem in the United States.

The area of all the bills that we have problems with is when—there are rules and regulations promulgated that in effect overrides whatever the international regulations are, because—in order to be a member of the organization that controls that particular sport, you have to go by their rules.

If you don't and if there is an organization in the country that promulgates rules and regulations, that are not in accordance with those international regulations, it makes it impossible for any organization in the United States to hold an international membership.

Senator TUNNEY. We are talking about rulemaking here. Are we not? Is it not possible for the Congress of the United States to establish a Federal mechanism in order to ameliorate the differences between the various associations in this country as it relates to competition of athletes: and to enforce that edict upon those associations? Is it not possible for Congress to do that?

Mr. CASSELL. Well, it is possible for the Congress to make a Federal law, certainly. That everyone in the country has to abide with.

But what I am in effect saying is that if Congress does legislate as to what an amateur athlete is, and that is not in conformity with the international regulation, then by Federal law, the organization that holds the international franchise here in the United States would have to violate the dictates of the international organization.

Senator TUNNEY. Well, the international organization is changing its rules all the time, isn't it?

Mr. CASSELL. They seem to be very slow about changing their regulations.

I know because in 1970 we of the AAU asked for a change in the regulations in track and field so that a professional could participate in the same event as an amateur.

It was taken to the IAAF which is the international organization for track and field; and it was voted down.

Senator TUNNEY. Wouldn't you agree insofar as the Olympics are concerned, that it would be better for the United States not to compete at all rather than to go through the horror show that we saw in Munich again?

Mr. CASSELL. I think that the United States should participate in the Olympic games.

Senator TUNNEY. That's not my question.

The question is do you think that it would be better not to compete again in the Olympics if we are going to have to put up with another situation such as existed in Munich?

Mr. CASSELL. Well, we don't really know what's going to happen in Montreal with the Olympic games.

Senator TUNNEY. Well, we know that the basic structural defects are still extant; and those structural defects are going to have to be corrected if we can hope to have any better situation existing in Montreal.

Mr. CASSELL. Well, you are talking about the structural defects of an organization that we are only one member of.

Senator TUNNEY. That is correct. You do have the controlling votes in the USOC?

Mr. RIVENES. No.

Mr. CASSELL. Not particularly. As it was pointed out by Mr. Krumm 2 days ago when he testified, the AAU only has 10 votes on the—

Senator TUNNEY. Well, but you have other franchises that you control?

Mr. CASSELL. We only control nine franchises.

Senator TUNNEY. With how many votes?

Mr. CASSELL. Ten votes on the board of directors. There are 23 sports that are in the Olympic games.

Senator TUNNEY. You say you have 10 votes? The AAU controls 10 votes out of how many?

Mr. CASSELL. On the board of directors, out of 60, as Mr. Krumm pointed out 2 days ago.

Mr. RIVENES. It should be pointed out—

Senator PEARSON. Would you yield? How many votes are there in the U.S. Olympic Committee? I understood there were 2,200 votes.

Mr. RIVENES. There's more than that in the biennial and quadrennial meeting. Most of the business is done by the board of directors which meets at least twice a year.

Senator PEARSON. Let me cite a Kansas City article of February 12, 1973, dateline, Colorado Springs. It says, "The AAU votes as a block. It controls about 800 of the 2,200 votes, and has a lien on a big portion of the others."

Mr. RIVENES. That's at the quadrennial meeting. As I mentioned, practically all of the business—we only meet at a quadrennial meeting. That's once every 4 years. At the biennial meeting—that's on off years—2 and 4 years. The rest of the time the board of directors—and on the board of directors we have—the AAU has 10 out of approximately 60 votes; and this is where most of the business of the USOC is done, Senator.

Not at the quadrennial meeting.

Mr. CASSELL. I should point out, Senator, also before the NCAA withdrew from the U.S. Olympic structure, they had the same number of votes that the AAU had.

Mr. RIVENES. Exactly equal.

Senator TUNNEY. How about on the committees? We had testimony today by the NCAA that on the—in 1972, the U.S. Olympic track and field committee by organizations—the AAU had 23 votes which represented a majority; and that in the U.S. basketball committee, the AAU had 25 votes, which represented a majority.

Is that correct?

Mr. RIVENES. I can't say exactly as far as track and field is concerned. I believe I can state correctly the makeup of the swimming committee, of which I was a member for the last 4 years on that committee. The AAU did have 23 which was a majority vote on the Olympic swimming committee.

However, when the AAU swimming committee got together its 23 members of the Olympic swimming committee, then, and at that

time, we caucused and decided, of course, we must have the best, the very best, the most knowledgable people there were in the country, on the Olympic Committee in order to insure very—the very best of Olympic swimming teams in swimming.

At that time we said we are—AAU Swimming Committee was instructed to name anybody they pleased regardless of where they came from just so they were the best people.

As I recall it, out of the 23 people that the AAU named to the Olympic Swimming Committee to represent the—represent swimming only, 13 of them, as I recall it, were NCAA people.

In other words, we named 13 NCAA people: the NCAA then in turn named representatives of their own. I don't recall who they named. I am sure they didn't name any AAU people.

Actually, in effect, by the very action of the AAU, the NCAA controlled the Olympic swimming committee.

It was agreed then and there that everybody was going to vote for the good of the sport and for the good of the United States; and that was all there was to it.

Senator TUNNEY. How about with respect to basketball?

Mr. CASSELL. Basketball, the same situation exists; whereas, the organization that has the international franchise has the—

Senator TUNNEY. Which is the AAU?

Mr. CASSELL. Yes, has the majority vote.

Senator TUNNEY. Yet the AAU does not have in this country an active basketball competition, does it?

Mr. CASSELL. Well, I think if you will look back at the records of AAU, you will find that there is a number of organizations that support the principals and policies of AAU, which has as a member, over 600 college members, college organizations.

I should also point out that while the colleges and universities that are members of NCAA, they are also members of AAU, as well as the NAIA.

Many of them are also members of AAU. The AAU has more than 5,000 clubs in colleges and universities that are members of it as an organization. That is the reason we have the ability to name coaches from various institutions that are active in the NCAA, that are active in AAU, to these various Olympic committees.

Senator TUNNEY. Considering the present structure of basketball competition in this country, both club basketball as well as collegiate basketball, do you feel that the AAU ought to have the controlling number of votes on the Olympic Committee, Olympic Basketball Committee?

Mr. CASSELL. Well, if you have the rules and regulations, I think basically everyone agrees that the regulations must be followed.

Senator TUNNEY. Now we are talking about following the regulations that are in existence; but we are also talking about changing the regulations and changing the structure of the USOC. The question is, do you feel—forgetting now what the regulations are because they can always be changed—do you feel it is fair to have in the case of basketball the majority of the votes in the AAU on the basketball committee?

Mr. CASSELL. I think regardless of who the international franchise holders are, if they have named people that are the best people in

the country and looking out for the interests of the country, that they should be members of the Olympic committee.

Senator PEARSON. Yes, but that's in question today.

Mr. CASSELL. Yes, sir. It is.

Senator PEARSON. And for 81 years, I suppose, way back to the start of this.

Let me just say, you have control of 15 of the committees, of the 37 committees, do you not, in the U.S. Olympic Committee?

Mr. CASSELL. Well, the AAU has international membership in nine of the sports that are on the Olympic schedule. So there would only be nine that the AAU would have the majority vote on, of the sports supervising committee.

Senator PEARSON. I am talking about sports committees.

Mr. CASSELL. Well, if you break it down into men and women committees, then certainly the number would increase.

In the women's sports, I think that you will all agree that the NCAA or the NAIA have not based women's track and field as one of their sports.

They don't participate in it on the intercollegiate level.

Senator TUNNEY. Do you feel that the best basketball players in the past two Olympics have been chosen for the Olympic team?

Mr. CASSELL. With the makeup of the committees, they have made the best effort to select the best people that go into the trials.

Certainly that committee is charged with the responsibility of selecting the team. That is the—premise that AAU operates under, that and the sports in which it has the international membership. Their attitude is let's get the best possible people to represent the United States.

Senator TUNNEY. Your opinion is that the best basketball players have been chosen for the Olympic teams?

Mr. CASSELL. I think the people that are charged with that responsibility of selecting the teams, which is the United States Olympic Committee, they have selected the best people that have met the criteria and been in the competitions.

Senator TUNNEY. Met the criteria?

Mr. CASSELL. Pardon?

Senator TUNNEY. Met the criteria? The quota system? Is that a criteria?

Mr. CASSELL. That is established by the USOC not by AAU. Up until—even through this Olympic game—the NCAA was certainly a part of that—tournament in which these athletes at least were selected from.

Senator TUNNEY. What about the quota system?

Mr. CASSELL. Well, I think they should select the best athletes regardless of who they are.

Senator TUNNEY. I mean, do you feel that the quota system is appropriate?

Is that a good way of selecting athletes to compete?

Mr. CASSELL. I don't think you select athletes from active organization just because that organization is a member. I think you select the best people.

Senator TUNNEY. Do you think the quota system as applied in the past—let's get down to the fundamentals. Is there a quota system?

Mr. CASSELL. Well, I don't know of any particular quota system because you take track and field, for instance.

The way track and field teams are selected are by the first, second, and third people to cross the finish line.

Senator TUNNEY. Is there a quota system in basketball?

Mr. CASSELL. I am not aware of one, if there is.

Senator TUNNEY. So your testimony is based on your awareness; and if a quota system did exist, then we could discount your testimony insofar as it related to that sport where there was a quota system?

Mr. RIVENES. I don't know of any quota system that's in operation.

Senator PEARSON. It's not in the rules or regulations?

Mr. RIVENES. No.

Senator PEARSON. Is it used?

Mr. CASSELL. Not that I know of, sir.

Mr. RIVENES. As a matter of fact, in the selection of the basketball team that played in the Russian-American series, that was just completed, what percentage of these people were college boys, Mr. Cassell? And where do they come from?

Mr. CASSELL. Well, I don't remember exactly, but I know certainly they are the best athletes that could be assembled. I might point out in that situation, which strictly AAU, is that—once the coach was named, he selected the assistants and the staff that he would have to help him put that team together.

I should also indicate that regardless of what organizations are represented, and where people come from, that was a good example of what can happen in this country once all of the organizations cooperate.

Once the hurdle was passed of having undergraduates in that series, there was total cooperation from the universities at the training camp, University of Southern California and Long Beach.

As a matter of fact, while Bob Cousey was putting the team together, the basketball teams of those two schools came out and scrimmaged with the national team to get them prepared to face the Russians.

Senator TUNNEY. Do you feel we need a reform of the USOC?

Mr. RIVENES. That reform has already taken place, Senator.

For example, even though the NCAA has withdrawn its membership from the USOC, at the meeting of the—quadrennial meeting in Colorado Springs recently, that you referred to, Senator Pearson, at that time a resolution or a motion was passed stating that in spite of the fact that the NCAA had withdrawn, there—the vacancies on sports committees—it was recommended that these vacancies should be filled by knowledgeable and capable people from college community; and that has been very carefully followed in all cases.

Senator TUNNEY. Do you favor my bill?

Mr. CASSELL. As far as our position on your bill, anything that can be constructive, regardless of whether it's a reorganization of the USOC—as a matter of fact, I would like to have that extend to a study of all of the amateur organizations in the United States, not just the USOC or the IOC but our organization seems to be under attack a great deal, for the way the rules are applied I would like

to see our organization studied so that if there are some recommendations that should be made to the AAU.

Senator TUNNEY. Is my bill constructive?

Mr. CASSELL. I think that it can be, yes.

Senator TUNNEY. So you would support its passage?

Mr. CASSELL. There is one thing that—

Senator TUNNEY. Just answer that question. Do you support its passage?

Mr. CASSELL. We would support anything that we feel could be constructive.

Senator TUNNEY. That's not quite my question.

Do you support my bill? That's not a very tough question.

Senator PEARSON. I don't support his bill. You can say it, too.

Senator TUNNEY. You can say yes or no.

Mr. CASSELL. Yes, for studies of the USOC and the International Olympic Committee, we support that.

Mr. RIVENES. Any of these bills that are not in conflict—

Senator PEARSON. Tell me where any of these bills that have been proposed is in conflict precisely with the international rules?

Mr. CASSELL. When you create a situation that promulgates rules and regulations that override all other rules and regulations in the country—

Senator PEARSON. Just tell me what international rules and regulations are violated by any of the legislation proposed before this committee?

What you are really saying, and I don't want to put words in your mouth, you are saying if we pass the Cook bill or the Pearson bill or if legislation comes out of the Tunney proposal, and if they in turn put some rules and regulations which conflict with what the international rules are, then you have got a conflict. Is that it?

Mr. CASSELL. Basically that is it. If there is an organization that legislates or promulgates rules as to what an amateur is, and it is not in conformance with international regulations—

Senator PEARSON. Let me be more specific. What my proposal intends to do is take the AAU and the NCAA out, establish a new entity that can be a part of the international Olympic organization.

Mr. CASSELL. Yes.

Senator PEARSON. And to govern our amateur athletics in this country so we get away from this sanction. Does that violate anything in the international rules?

Mr. CASSELL. No. I don't think it would as long as the organizations that hold international membership is not interfered with.

And I should indicate that basically the AAU operates the way your bill indicates; each of the sports that AAU holds international membership in, by our own rules, are an independent body.

They operate as a separate section under the AAU. For instance, track and field—

Senator PEARSON. Do you support my legislation?

Mr. CASSELL. If it did not change any of the international franchise holders.

Senator PEARSON. What international rules are changed? Are challenged?

Mr. CASSELL. No, sir, we could not support your legislation.

Senator PEARSON. How about Senator Cook's proposal?

Mr. CASSELL. There is some of it we could support, yes.

Senator TUNNEY. What part?

Mr. CASSELL. The particular part that deals with opening facilities, the part that deals with studies on safety, that deals with the better technical aspects of the sport in the country.

Senator TUNNEY. Just—I have a few questions that I'd like to ask; and they don't require lengthy answers. Could you please define for me just what is an AAU athlete?

Mr. CASSELL. Well, the AAU has members from all of the different sections in the United States. It has members from colleges, has members from NCAA, from NAIA, CYO. All of these organizations are members of AAU; and this basically is the approach that Senator Pearson pointed out, that a governing body or an international franchise holder doesn't necessarily have to claim any organization or own any athlete, because we don't necessarily own anyone.

We don't own any facilities.

Senator PEARSON. Do they buy memberships in the AAU? Does the athlete buy a membership in the AAU?

Mr. CASSELL. There is a membership in the AAU.

Senator TUNNEY. He has to have a card?

Mr. RIVENES. A registration card, a certification.

Senator TUNNEY. And this is regardless of what school or team he may be representing?

Mr. CASSELL. That's right.

Senator TUNNEY. Do they train in an AAU owned facility?

Mr. CASSELL. Well, as I pointed out, the international franchise holder doesn't necessarily have to own any organization. The NCAA doesn't own anything except the building. AAU owns a building.

The Indiana University is a member of NCAA. It's also a member of AAU. My tax money helps support Indiana University. Part of Indiana University belongs to me.

Senator TUNNEY. Are most of the AAU athletes coached by AAU coaches?

Mr. CASSELL. The athletes come from all different sections of the country and all different programs. From a CYO program, NAIA; those organizations hold memberships in AAU just as they hold memberships in other groups.

Senator TUNNEY. What you are saying is most of the athletes are coached by AAU coaches?

Mr. CASSELL. I am saying are coached by coaches that their organizations hold membership in AAU.

Mr. RIVENES. They are not paid by the AAU. If they are paid, they are paid by their individual clubs.

Senator TUNNEY. Well, so most of the athletes are—who hold AAU cards are coached by AAU coaches.

Mr. CASSELL. Not necessarily coached by AAU coaches. An organization that holds membership in NAIA holds membership in AAU.

Senator TUNNEY. Well, I can understand that. I understand that organizations can hold membership in both the NCAA and the

AAU, but what about the coaches? Do the coaches—are they hired by the AAU or are they members of the AAU?

Mr. RIVENES. Practically all of them are volunteer coaches. Take, for example, the AAU itself is made up of 58 associations around the United States encompassed—and each one of these associations is made up of chartered clubs. And this club can be a private swim club, for example; it can be a university; it can be a high school; it can be a Kiwanis Club. It can be any kind of an organization that wants to foster amateur competition.

Senator TUNNEY. So, most of the athletes that participate in AAU events, they are card-carrying AAU members and are coached by AAU coaches.

Mr. RIVENES. They are acting as such, I would say, yes, acting as AAU coaches for the athletes that compete in AAU events. This same coach may also be a college coach.

Senator TUNNEY. At one time the AAU had a fine national basketball program. Apparently as a result of the attrition and signing by professional teams, this program has been pretty well decimated.

Tell me frankly, do you believe the AAU for 1973 should be exclusively in charge of this Nation's internal basketball program?

Mr. RIVENES. Yes, I certainly do. Not only do I believe that, but the AAU does hold the internal membership in FIBA and will continue to hold it.

Senator TUNNEY. Well, the right to govern internal competition—should be earned on the domestic level, shouldn't it?

Mr. RIVENES. Well—

Mr. CASSELL. I am not too sure that should be the way, that it should be earned on the domestic level. As it was pointed out by Senator Pearson, if his bill is passed, then the organization—the structure that is set up to charter organizations, they won't necessarily hold any facility; and that is the concept of internal franchise holder, is that the—they do not necessarily have to own any facility or own any individual just as NCAA does not have. They do not own colleges that are members.

Senator TUNNEY. Well, you have over 50 percent of the votes of the USOC basketball committee. How many athletes did the AAU have on the 1972 Olympic team?

Mr. CASSELL. I cannot remember.

Mr. RIVENES. They are all AAU athletes when they compete internally.

Senator TUNNEY. Well, I understand that. But prior to the time they competed internally, isn't it true that just one of the 12 was an AAU athlete?

Mr. CASSELL. You mean that came out of the industrial program of ours?

Senator TUNNEY. Yes; isn't it true one of the 12?

Mr. CASSELL. I think that is correct.

Senator TUNNEY. You think that is fair?

Mr. CASSELL. You mean because an organization has more athletes than another one, that they should have an internal franchise?

Senator TUNNEY. No; I am asking you a precise question: Do you think that it is fair to have a situation where the AAU has the

majority of the votes on the basketball committee of the USOC when one of the 12 athletes, basketball players selected through—for the Olympics came out of an AAU program?

Mr. CASSELL. I think any organization that can do the best job of assembling the best people is the one that should have that membership; and to this date, it appears to me that AAU has done that particular job.

Senator TUNNEY. Were these athletes assembled by the AAU or were they assembled by some other association?

Mr. RIVENES. They were assembled by the U.S. Olympic Committee.

Senator TUNNEY. I think we are talking in circles.

An athlete cannot compete in the Olympics unless apparently he becomes a member of—if he is in basketball—unless he becomes a member of AAU. Therefore, what you are saying is that despite what their association is prior to the time they apply for competition, in national competition, they are AAU at least, because they have to become AAU at least, in order to compete?

Now, that is just talking in circles.

Mr. RIVENES. They do not actually become—if they are college boys, all they need is the certification for internal competition, certified by their school that they are amateurs and so on; and then, however, when they make an Olympic team, or Olympic squad, then and only then, do they register with the AAU. That is required then. That is required by international rules.

Senator TUNNEY. Well, I mean—I just personally think that what we are involved in here is certainly—circular reasoning. I just cannot help but feel that it is unfair in this particular instance to have a majority of the voting members of the U.S. basketball—U.S. Olympic basketball committee be members of the AAU, when the AAU only had one out of 12 basketball players that were selected for the Olympic team. I just do not think that that represents a—what I would call a representative government.

Mr. CASSELL. Well, don't you feel that the best team was selected? Do you feel the best team was selected to go to the Olympic games?

And if the best athletes were selected, then the committee that was there, certainly they did a good job.

Senator TUNNEY. Well, there are arguments on that score. I am not in a position where I am so knowledgeable about basketball that I can say that the best athletes were selected. There are some people who are very knowledgeable and say the best athletes were not selected.

It would just seem to me on the face of the situation, that it is inherently unfair insofar as basketball is concerned.

I would just like to ask you one more question and then I know Senator Pearson has some things. I would like to ask you what are you doing to try to get the international body to change the rules with regard to American swimmers being able to go over to China and swim?

Mr. CASSELL. Let me point out, Senator Tunney—

Senator TUNNEY. Anything? Have you written a letter? Are you in contact with them to get the international body to change the rules?

Mr. CASSELL. Let me point out we are in almost constant contact with the President of FINA, which is the international organization that controls all the aquatics throughout the world and makes regulations for them.

It was the AAU that made the first approach to have athletic exchanges with China. As a matter of fact, October of 1972, Jack Kelly, who was then our president, and myself, came to Washington and had a meeting with Kissinger's senior advisors on the possibility of opening athletic exchanges with China.

On October 10, a letter came from my office to John Holdridge, who is now, I understand, the second in command of the legation in China, asking him to instigate these exchanges.

The reason that we made this journey to Washington to discuss these things is we wanted to follow the Government policy. We certainly did not wish to go to China on our own and interfere with some very delicate situations that the Government was involved in.

At that time, we recommended—and as a matter of fact we asked—that Mr. Kissinger or other people that were negotiating with China issue the invitation to have exchanges with the People's Republic of China. We did not go into swimming because of the regulations of the FINA.

We have been in almost daily contact with the FINA because we really do not know what the State Department is doing on the swimming situation. The State Department has not told us. We do not know who is going.

Senator PEARSON. Why should they tell you?

Mr. CASSELL. Well, probably there is no reason for them to tell us except that we are the organization in the United States that the FINA looks to to advise them on what the situation is.

Senator TUNNEY. Before you continue this line of questioning, I just want to know one simple thing: Have you made any protest to FINA to get them to waive the stipulations with respect to the American swimming team which hopefully will be able to participate in the meet in China?

I say that in the context of a press release or an AP wire report that the AAU turned down the request of the U.S. swimming team to compete in China with the People's Republic of China, citing the FINA regulations.

Have you made any attempt yet to get FINA to waive those regulations?

Mr. CASSELL. Before the State Department made this public, we had discussions with the president of FINA and asked if a waiver could not be received. The answer was no. Mainly because the Japanese had already gotten themselves into a situation where they had gone to the People's Republic of China, and they in turn were told by FINA that: You have to take some action against these athletes and against the coaches.

The FINA would not give a waiver unless the People's Republic of China indicated some way that they wished to become a member of FINA.

Senator TUNNEY. Well, are you going to protest to FINA their decision inasmuch as it is very clear that the vast majority of people

in this country, including, I would say, everyone on this committee, has the desire to see these swimmers compete in China with the Chinese?

Mr. CASSELL. Certainly we have a desire to see them participate also.

Senator TUNNEY. Are you going to protest?

Mr. CASSELL. We will discuss it with the President of FINA. The GAIF people are having a meeting in Oklahoma City.

Senator TUNNEY. There is a difference between a conversation and a protest. You plan to protest?

Mr. CASSELL. I do not—I cannot tell you right now that the AAU would protest. This is something we must discuss with our swimming people.

Senator TUNNEY. Well, I just can say, one man, one senator, that I would certainly hope that you would protest; and I just cannot imagine being so insensitive to the will of the country, not to protest.

Mr. RIVENES. Senator, I think I read in the paper someplace this morning or yesterday the fact that someone said—called the AAU arrogant. Was that you?

Senator TUNNEY. I am sorry. Could you repeat that?

Mr. RIVENES. There was a story in the paper that called the AAU arrogant because of its stand on this swimming situation.

Senator TUNNEY. Well, that was Senator Beall that said it but I could have said it because he said it first.

Mr. RIVENES. What I wanted to point out to you again, once more, that it was actually the AAU that proposed this in the first place. We could hardly be called arrogant when it was our idea to start with. We wanted it. We are very anxious to see it happen. We thought it would be a very, very wonderful thing.

At this moment, as far as I know—you could check on this. Ollan—has a team been selected or anything like that? What is the latest?

Mr. CASSELL. The only thing we know is what has been released in the newspaper.

I should also point out that there has been discussion with FINA. There has been the possibility of our U.S. team not being eligible for the world championship this year—if the actions that we take is not strong enough or if we are reluctant to take action—our swimmers will not be eligible.

Senator TUNNEY. Well, I think if you wanted those swimmers to go over so much, you could protest. A way has been worked out to bring the gymnast team of China over here to compete with us. I do not see any reason why a similar situation cannot be worked out for the hwimmers.

Mr. CASSELL. I should point out that in the gymnastics that the FIG waived their regulation on a nonmember competing with a member. FINA will not do that.

Senator TUNNEY. Then you could protest, right? I mean I am protesting now. Why can't you protest?

Mr. RIVENES. We are going to be meeting as Mr. Cassell said—we are going to be meeting tomorrow and Saturday at Oklahoma City with these people; and at that time we are going to find out if there is any way that it can possibly be done.

One of the things that we must make sure of and that is there is not a chance at all of us being prevented from competing in the world championship and in Olympic games. We must not risk that possibility.

Senator TUNNEY. Senator Pearson?

Senator PEARSON. Well, for myself, and I know I speak for you, Senator Tunney, we do not see you or members of the delegation from the NCAA as people wearing black hats or as arbitrary, capricious, arrogant men; but the record now, and the historical developments for literally decades, indicates there is a power struggle in the United States concerning amateur athletics and that it is composed of organizations who are rigid in their rules and regulations and self-perpetuating. For a long, long time, it has been most injurious to the athletes; and we see it growing in its dimensions.

When we get to the point where we are so rigidly tied to internal athletic organizations' rules and regulations, that great policies of the U.S. Government cannot be carried forward in cultural and athletic exchanges, then I think we have to do something.

That is not in relation to punitive action in regard to men, but I think it is in regard to starting all over again and seeing if we cannot bring some reasonableness and sensitivity to amateur athletics in the United States.

That is what we are going to try to do. I am grateful for all that you have done. I have great respect for this young man who is a gold medal winner. It is not just your fault.

I just do not think you belong in it, under any circumstances.

Thank you, very much.

Mr. CASSELL. I should—if I could, Senator Pearson, point out that there has been some great changes in the basic rules and regulations.

Senator PEARSON. Why were the reforms and changes made?

Mr. CASSELL. Because—

Senator PEARSON. They were proposed when, last month, 2 months ago?

Mr. CASSELL. No, sir. They have been going on, I would say, since about 1960. At this time the people that represent the AAU on the U.S. Olympics Committee, for instance, they can only serve a total of 4 years; then one-third of them has to be replaced each year. There has to be a turnover in the people that represent the AAU on these committees, plus the fact that all of the people that represent the AAU in these various committees.

Senator PEARSON. That is what I tried to say. I did not mean to say the people are bad. This system is just intolerable. It cannot go on.

Mr. CASSELL. The system of AAU is a democratic system because people are elected.

Senator PEARSON. No, sir.

Mr. CASSELL. Pardon?

Senator PEARSON. No, sir.

Mr. CASSELL. I can produce a copy of our rules and regulations—

Senator PEARSON. I wish I had a penny for every time the words, rules and regulations have been said. I know you have to have them but they cannot be the god of amateur athletics in America.

Senator TUNNEY. One thing I think you ought to point out is that the President of FINA is a man called Henning, who is an American.

Now, I cannot believe that we cannot convince Mr. Henning, an American, to waive the rules.

It's my understanding that U.S. television money is going to pay for the world swimming games next year; and people being what they are, I can't imagine that they are going to decide to throw out the U.S. competitive team if they are going to lose the money that's going to finance the games.

Mr. RIVENES. Well, there is one point that is a little bit sticky. That seems to be this: The United States—that is AAU and USOC very often propose rules for not only sports competition but for the operation of the different sports; and it seems to be a kind of a habit that if the United States makes a proposal; that's the signal for everyone else to vote against it; and because everyone knows the United States is very, very powerful, and the other nations figure that when we propose something, much of the time it's probably proposed to help our cause rather than the cause of the particular sport.

Senator TUNNEY. Well, maybe we shouldn't be competing in the world competition if FINA is going to be able to dictate to us that our swimmers can't compete with China. I don't like the idea of FINA getting involved to such an extent in our domestic affairs that they tell us—particularly when you have an American who is head of FINA—telling us we can't have our swimmers compete.

I don't know how anyone could justify such interference.

I think it's interference.

Mr. CASSELL. Senator Tunney, we could have the president of FINA give you his position by telephone tomorrow if you would be at a place where we could reach you.

Also, I don't think the television money has that great an effect on the conduct of the world aquatic championship. It is in an iron curtain country. Once it's there, before they ask for the event, the money is already appropriated for the country to conduct that event.

Senator TUNNEY. I certainly wouldn't mind discussing the matter with Mr. Henning, but only on the basis that he's going to do everything that he can—and I think he can do an awful lot—to change the regulations. I just think that the thing is so self-evident that really it's not subject to negotiation.

Why should we negotiate whether American swimmers can go swim with the Chinese?

Mr. CASSELL. You are faced with this situation if you in effect support the Chinese, the American swimmers going to China, then you eliminate maybe 80 or 90 people that possibly would go to the world championship in Belgrade.

Senator TUNNEY. I can understand why the individual swimmers brought up with the regulations of FINA, feeling they are strangled by those regulations, could decide they don't want to go to China and swim. That's the whole problem. It's this massive red tape that just drowns the swimmers in regulations. Not in water.

Senator PEARSON. We have all deplored the political strings through international organizations. It's a fact that Taiwan is a member of the international organization, isn't it?

Mr. CASSELL. Yes.

Senator PEARSON. And the People's Republic of China is not?

Mr. CASSELL. That's right.

MR. RIVENES. And the People's Republic has so far said that they will not apply for membership in FINA. If they would even write a letter to the effect that they were interested in it, it's my understanding that something could be done; and that may happen. We don't know. We will be finding out this weekend.

Would you like to have us, Senator Tunney, like to have us make arrangements—

SENATOR TUNNEY. I think if Mr. Henning is prepared to indicate they want to change the rules, yes. I don't see any point in talking to him if he doesn't want to do that. As I say, I really think that the subject is nonnegotiable.

I certainly appreciate, Mr. Rivenes, your being here and bringing the others with you. I would not be honest if I didn't say that I wish that you had been better prepared on the bills to discuss where you agree and where you disagree. The bills were sent out to you; you knew that you were going to have to be testifying to them; and I feel strongly that you didn't address yourself in as cogent and as precise a fashion to those bills as we might have expected.

I would hope that maybe you could supplement for the record what the AAU's attitude is toward the individual bills, Senator Pearson's Senator Cook's, mine, Senator Stevenson, others have spent a lot of time drafting these bills.

We would like to know what your attitude is.

I appreciate your coming and we hope to have future communication with you.

MR. RIVENES. Fine. Thank you.

SENATOR TUNNEY. Our last witness is Mr. Tom Vandergriff, chairman of the Committee for a Better Olympics.

STATEMENT OF TOM VANDERGRIFF, CHAIRMAN, COMMITTEE FOR A BETTER OLYMPICS

MR. VANDERGRIFF. Senator Tunney, Senator Pearson, by name is Tom Vandergriff. I reside in Arlington, Tex., where it is my privilege to serve as mayor. As you have stated, Mr. Chairman, I appear here before you today in my capacity as chairman of the Committee for a Better Olympics.

We are pleased to speak briefly of our organization. Our critics have called us self-appointed and I am proud to say that such is the case. We think some of our Nation's finest hours occur when citizens deplore existing conditions and spontaneously rally to right wrongs; and so it has been with our Committee for a Better Olympics. It was obvious to us following the 1972 Olympic Games that our country's effort there had left much to be desired. Certainly we are not alone in that position. The volume of proposed legislation before your committee is eloquent testimony to that fact. But we came together out of a mutual concern that surely, in the interest of the athletes representing the United States, and for the honor and pride of our Nation, there had to be a better way.

Our backgrounds varied. Some of our members had spent lifetimes in amateur athletics. They were coaches or administrators. Some had served on the U.S. Olympic Committee itself. But for the most part, our membership is composed of athletes, past and present,

or those of us who have been inspired by amateur athletics and by the competitors therein. In my own case, for example, my interest stemmed first from an admiration of the degree of dedication by fellow students, long ago, at the University of Southern California as they prepared for Olympic competition and, in more recent years, a close friendship with a young swimmer whose burning ambition was to win a gold medal in Mexico City in 1968 by beating another swimmer, who was later to win five gold medals in Munich in 1972. He had never done it before, and he never did it afterward, but he did it there! He wanted, at least for that one time, to scale the heights and proved anew to me that in a country in which the impossible dream so often become reality nowhere is that demonstrated more often and more dramatically, and providing us with challenging examples for us to recall in our own endeavors, than on the athletic field or in the arena.

When athletes with Olympic backgrounds suggested that a diversified group come together and explore possibilities or restructuring our country's participation in international competition, we gladly did so. We met again and again, until today we believe we can recommend to you a procedure whereby we can truly take the Olympics to the people of this Nation in a manner never before accomplished and can, in turn, assure an Olympic effort much more representative of the greatness traditionally synonymous with our country, but sadly not associated with so many aspects of our international competition in recent times.

For our alternative to be effective, however, the U.S. Government must first address itself to the correction of obvious deficiencies in the existing system. Congress needs to tell the world, including the International Olympic Committee, the U.S. Olympic Committee and the National Sports Federations that when the representation of the country in international relations, and that should very definitely mean international sports competition, too, is involved, the Federal Government, or, in other words, the elected representation of the total citizenry of our Nation, has the ultimate authority to determine the manner in and the jurisdiction under which we compete. It is inconceivable to me that if our Congress takes such a strong stand the International Olympic Committee would refuse to recognize what would then be so clearly the will of our people.

You have before you various bills with the aforementioned goal in mind. We applaud the motives and the vision of the sponsors and no doubt there is merit in all of the proposals. With due respects and expressions of appreciation to each of our Senators seeing fit to advance suggested remedial legislation, however, our committee believes Senate bill 1580, by Mr. Pearson, offers the finest framework for us to utilize in developing the best possible solution. We think this proposal come nearer to providing us with the best of both worlds. It makes it certain that the U.S. Government will have the final voice in determining the specific thrust of our international sports involvement, but, at the same time, does not interject the Federal Government directly into the daily administration or regulation of the individual sports within the confines of our country. The latter action could not only result in an undue burden upon our Government but

should prove unnecessary, particularly if a plan, such as we advance, for a National Olympic Committee is coupled with legislation of the character of Senator Pearson's proposal.

I would like to acquaint you with the draft of a proposed constitution for a new National Olympic Committee approved recently by a subcommittee charged with the responsibility to report back with a document embracing certain key principles endorsed earlier by our total organization. In those previous sessions we wanted to develop a procedure whereby we could:

Provide for specific representation within a National Olympic Committee by all the States and the District of Columbia for the first time in history.

We wanted to emphasize democratic grassroots involvement, and eliminate traditional organizational jealousies and disputes.

We wanted to broaden and stimulate participation in the Olympic movement.

To prescribe definite limitations as to term in office.

Provide athletes with a greater voice in the administration of a National Olympic Committee.

Assure a more efficient utilization of the funds contributed by the American public for the Olympic movement.

The instrument to be acted upon June 17 in our next meeting in Chicago accomplishes those objectives. We will be happy to provide you with copies of the proposal for whatever value our suggestions might prove to be to you as you continue your study of this volume. In fact, some of our group's thinking has obviously been taken into consideration by the U.S. Olympic Committee in recent attempts at change by that entity but what they have advanced is far too little; it's much too late.

To compare our proposed constitution with the relatively closed structure of the present U.S. Olympic Committee, I wish to emphasize the following differences:

Unlike the existing entity, we provide for a truly national organization, with broad support at the local level, by incorporating the concept that the national committee will be composed of delegates from broadly based State Olympic committees. These State committees will be active organizations, charged with the development of fund-raising responsibilities.

We would free the Olympic Committee from the control of self-interested athletic organizations. There will be representation of such organizations, and their voices will be heard, but they will no longer be permitted to exercise complete control of the committee. We would guarantee that active amateur athletes, specifically including members of the most recent U.S. Olympic team, will have a truly significant place on the committee and a major voice in setting its policies. Currently active amateur athletes are to constitute a minimum of one-third of the new committee's board of directors and of its games committees, and are to be represented in substantial numbers on the national and the state committees. This stands in sharp contrast to the tokenism of the recent "reform" of the existing committee, which placed seven athletes (only three of whom are active competitors) on a board of 60, and three athletes (only one of whom is an active competitor) on an executive committee of 19.

We would limit the terms which may be served on the Olympic Committee, preventing the self-perpetuation of the committee members in positions of power and ensuring that there will be a controlled turnover of personnel and a frequent injection of fresh viewpoints.

We would support strengthening of the various State Olympic committees by allowing each State program to retain one-third of the funds they raise, quite a different approach than presently employed by the existing body.

We would require that members of the Olympic Games Committees by individuals actively engaged in or who have had extensive experience in the particular sport with which that games committee is concerned, not always the case within the existing structure, and thereby go far toward assuring the most effective image of available funds and the most productive performances possible by our athletes.

Mr. Chairman, and members of the committee, between legislation, such as Senator Pearson's bill, and a national committee, such as we advocate, we can place Olympic power where it belongs—in the hands of the people, through you, and athletes and others knowledgeable in their respective sports, through our structure.

Now there are those who will say it is impossible. But I remind you that the impossible is accomplished regularly on the athletic field. We can do it, too.

Senator TUNNEY. Thank you very much, Mr. Vandergriff, not only for your statement, but for the obvious amount of effort that went into preparing it and the fact that you and your colleagues have shown such a great interest in attempting to improve the present structure of the USOC.

It's obvious that many, many hundreds of hours have gone into the preparation of this testimony insofar as your needs are concerned with the redrafting of the Olympic committee charter.

Senator Pearson?

Senator PEARSON. I, too, thank you for your statement. These bills, to repeat again—it might be well to do it as we close up—are working papers. We have got a lot of perfecting to do. I am very interested in the statement you made as to the general principles that you have put together in behalf of your Olympic committee.

I think they go a long way toward solving a lot of the problems you have recited.

Are you comfortable when you come to Washington, Mayor? I have a note that you are the man who talked the Washington baseball team into coming to Arlington, Tex.

Mr. VANDERGRIFF. Senator Pearson, you really know how to hurt a guy, don't you?

No, sir. I don't feel entirely comfortable. I will admit the hour is late, and I will be very quick with this story. You might enjoy it.

Last summer when the transfer of the Senators to Texas with a bit more of a current item. I was going from Washington to the Baltimore airport, and a taxi driver, with who I had not conversed, about half-way out asked me where I was from.

I told him Texas.

He then asked me where in Texas. I would have ordinarily said Arlington, even though I realize that until fairly recently it hasn't been too well known nationally, our Arlington, that is.

I was aware that on the Washington sports pages, next to Bob Short, I wore the blackest hat.

My name had been fairly frequently mentioned as being active in that transfer.

I am not even completely well known in Arlington, Tex. Lots of people there haven't heard of me but I knew Washington sports-page readers had heard of me, though.

I told him I was from the Dallas-Fort Worth area.

He said where is Arlington?

I was honest. I said, well, it's right in the very middle. It's right between Dallas and Fort Worth.

Then, sir, he honestly told me—this is the absolute truth if ever I said it. He said, "Tell me about this—" I'll leave out one adjective—"guy, Vandergriff."

It was a strange feeling to be asked one's opinion of one's self, 1,500 miles from home.

Yet again I was honest. I said, "The best I can tell you, some people seem to approve of him; some people seem to disapprove of him."

He said, "Put me down in the second bunch."

Thank you, sir.

Senator TUNNEY. Thank you very much.

This concludes this series of hearings that we have had for the past 3 days. As to whether or not we will have additional hearings will be dependent upon the will of the committee; but we anticipate that we will have an opportunity to discuss in committee the various proposals that are before us at this time; and so rather than adjourning the hearings completely, we will adjourn at the call of the Chair in the eventuality that members of the committee feel that there is a need for further hearings in order to develop the legislation.

I can only say that from what I have heard so far, as one man, it seems clear to me we must have a mechanism, a Federal mechanism, in which to reconcile the problems that presently exist with amateur sports in this country.

We are going to have to have some means of bringing about a greater unity of cooperation and development of our athletes. We are going to have to have a structure whereby athletes can freely compete without fear that they are going to be eliminated from competition if they participate in other associations' sporting events.

I want to thank you very much for having come so far.

I assume you have a copy of the charter that you are proposing which you would like to have made a part of the record?

Mr. VANDERGRIFF.. Yes; Senator, I would like to leave it with you if I may.

Senator TUNNEY. It will be made a part of the record.

We are adjourned, subject to the call of the Chairman.

[Whereupon, at 1:15 p.m., the hearing was adjourned, subject to the call of the Chair.]

ADDITIONAL ARTICLES, LETTERS, AND STATEMENTS

STATEMENT OF HON. HUGH L. CAREY, U.S. REPRESENTATIVE FROM NEW YORK

Mr. Chairman, I appreciate the opportunity to present this statement for the hearing record. I am delighted the Committee has been holding hearings on these very important issues. Certainly we need to know more about the workings and effectiveness of the organizational structure of amateur sports and how they are and will be funded. We also should look into the constructive involvement of professional sports organizations and franchises to see if they are making a public service contribution to the total American sports picture that is commensurate with the benefits of their quasi-public charge. Indeed, both amateur and professional athletics should be involved in a partnership to see that America, and particularly American youth, are provided with a full range of sports and physical fitness opportunities.

You have had extensive expert testimony from representatives of the various national and international sports-governing organizations. You have also heard from public and private citizens, and most significantly, from the athletes themselves. There is no need for me to address myself to a discussion of the already well examined issues relating to these organizations.

I wish to indicate my pleasure that Senator Long, Chairman of the Senate Finance Committee, is joining me in proposing Federal participation in promoting athletic programs and facilities such as those proposed in legislation (H. R. 17192) I introduced in the closing days of the 92nd Congress. I share Chairman Long's concern that there is no Federal assistance to the U. S. amateur sports programs, including U. S. participation in the Olympics.

I also wish to assure the distinguished Senator from California (Mr. Tunney) that his leadership in the Senate on this issue is very welcome, and certainly a natural, taking into account his long and contributory association with American sports. I further assure Senator Tunney that I shall continue to press for legislation in the House. Our work together in the Interior Committee on the Outdoor Recreation Act of 1969 laid a strong foundation and provided an equally strong impetus to our efforts to secure Federal participation in encouraging and providing equal and readily available active-sports opportunities to Americans of all ages.

The legislation to which I referred, H.R. 17192, would create the Indoor Sports and Outdoor Athletic Recreation Foundation. The Foundation is designed to manage the establishment, increase and disbursement of a Fund to provide assistance to amateur sports programs, neighborhood, regional, state, and national organizations that foster athletic, physical fitness, and hygiene programs, and to assist in the location, purchase, construction and rehabilitation of adequate sports facilities and the property and or parks necessary for their proper and full utilization.

The Foundation is authorized to accept deductible contributions from public and private sources and to accept individual contributions collected as part of the purchase price of athletic events sponsored by professional athletic franchises. The funds collected from these sources will be matched by Federal funds. This approach would seem to combine the direct funding approach of Chairman Long and the desirable feature of direct individual involvement of the sportsman-spectator.

Mr. Chairman, Americans are extremely interested in sports activities, but, unfortunately, the opportunity for us to participate in active sports ourselves is severely limited in both rural and urban areas. Not everyone can afford to belong to a tennis or country club. Not everyone has easy access to swimming pools, bicycle trails, or to basketball, handball and squash courts. Even

those interested in running find themselves in danger from traffic or worse. My distinguished colleague on the Joint Economic Committee, Senator Proxmire, had to claim terminal illness to escape untoward consequences from exercising on the public thoroughfares.

Not only do Americans need the diversion of exercising and participating actively in sports and physical fitness programs, but there is an increasing health need for this exercise. We are becoming too much of a spectator-oriented Nation. I frankly would like to see far more energy expended in participating in a physically involving activity, appropriate to age and health condition, than in body english aimed at getting a ball across a goal line, through a net, into the hole, or through the ten pins.

The spectator sports appetite of the United States is such that we can easily fill the largest stadium if the competition and talent are top-notch. We are avid in following our favorite teams. Any kind of excellence in performance or even of surpassing effort, we watch with the greatest interest: Look at the size of the audience that either attended the Special Olympics or viewed them on television. That audience alone measured far greater than all who ever watched the games and circuses of Imperial Rome.

Spectator-sports have their place; I don't mean to detract from them—indeed the cooperation of those owning and managing professional athletic organizations is needed in making the Foundation and the Fund a working and effective reality. But I think that to improve the general health of the Nation, we need to become far more active than we are at present.

Certainly, not incidental to the good health infrastructure of the Nation's general well-being, is the physical and physical environment in which we, as social human beings work, live and, most pertinently, play. We need not only to exercise our bodies and feed our souls, so to speak, but we must have the environment, the atmosphere, the vigor, if you will, which encourage us to accomplish these necessary human goals. But a walk through many ghetto lots, that could be urban park and recreation areas, presents tableaux, if not from Dante's *Inferno*, surely then from the *Purgatorio*. They are uninhabitable except by rats, vermin and "slugs from the bottom."

Surely, when we realize that the increasing and increasingly young population of America—our children and grandchildren—are facing a mass-media oriented, twenty-first century with increased leisure time, less physical demands, and a lessening of interest in present and conventional means of leisure occupation, we must become concerned. We must think of both their health and the human environment necessary to secure, and maintain that health.

Leisure activities and the economic and social structures that support them are clearly a new industry. And this increased leisure time available, and the activities that fill that time, are not the sole domain of the senior citizen. We are faced increasingly, as I mentioned above, with the challenge of providing meaningful leisure activities to our youth—and by youth I wish to focus more on those in the streets than those at the Country Club. The bill I introduced and which I am presenting to the Committee today for discussion is aimed at helping the youth playing stick ball on a city street, or worse, involving himself in other juvenile activities that bring him more to the attention of the narcotics and vice squads than to the attention of a sports talent scout.

Mr. Chairman, we like to think of the youth of America as being joiners of various groups or teams devoted to sports and other healthful activities. Unfortunately, only 12% of our youth belong to any type of team. That means that 88% of them are potential candidates for the delinquency, drugs, and vice teams.

We are faced with an energy crisis in the United States. Whether real or contrived is not pertinent to this discussion. But the reason given is that we are not able to get enough raw petroleum for refining. Perhaps an analogy can be drawn between the lack of raw energy sources and an incipient lack of prospective talent for the increasing need of America for athletic talent and the desire of talented youngsters to participate actively in high caliber sports activities. Where will we get the increasingly demanded raw and semi-refined talent to fill the ranks of the finest amateur and professional teams, if we do not provide the raw, and tough muscle of American youth with the opportunity to test that muscle and train that muscle and put it to work by excelling in sports and physical fitness?

We have been lucky in the past with our haphazard sports programs. Without any coordinated effort, we have been blessed with the likes of an Alcindor, Cong. Metcalfe of Chicago, Althea Gibson, Lee Trevino, Jose Torres, Mark Spitz, Joe Garragiola, and Roberto Clemente.

Today, if an outstanding young athlete makes it to the top in high school athletics, then he is bargained for like a high priced commodity. We have to start removing the sports pollution cloud that hangs over young athletes, as well as depoliticize the scrambling for these young stars.

Just this last week, here in Washington, we saw on the front pages of the sports page the situation of a young athlete and his family being hounded and harassed by talent recruiters for college. We are faced with situations like the Oklahoma case where the Number One team in the Nation was downgraded and 8 of its victories taken away because of the doctoring of an athlete's academic transcript. We must depoliticize sports to the degree that we must instill the finer instincts of good sportsmanship into politics.

Mr. Chairman, what I am trying to emphasize here is the need for public athletic and physical fitness facilities and programs which will present an immediate opportunity for present and future Americans to use their minds, bodies, humane and aesthetic sensibilities—and to grow and excel in all three.

I believe the legislation I introduced last year, and similar legislation I intend to reintroduce during this session of the 93rd Congress, will help us fill this ever-increasing need. The time to let things slide in this area has long since passed. We must recognize the two-fold problem of national health and environmental degradation. Surely, establishing the means and securing the funds to provide part of the solution for both is an endeavor not to be despised by anyone or any responsive legislative body—surely, not the Congress, which is specifically charged and mandated to “provide for the general welfare.”

Mr. Chairman, legislation to establish an Indoor Sports and Outdoor Athletic Recreation Foundation and Fund may be a tool to help us achieve both these goals for all Americans—whether in cities, suburbia or rural America; whether young, old or in-between; whether highly skilled, moderately adept, or enthusiastically inept. All need to be actively involved.

Thank you.

STATEMENT OF A. O. DUER, EXECUTIVE SECRETARY, NATIONAL ASSOCIATION OF INTERCOLLEGIATE ATHLETICS

As Executive Secretary of the National Association of Intercollegiate Athletics (NAIA), I am pleased to present some general statements and observations on the bills before the United States Senate.

I should like to identify our organization and the nature and philosophy of our program. We are an organization of colleges and universities with enrollments from a few hundred to over 15,000. However, we hold to a specific philosophy that “Athletics should be an integral part of the total educational program, rather than a promotional or commercial adjunct.” Our rules, standards and policies are designed specifically for institutions well below the major level of competition. We are a completely autonomous national organization but hold full membership in the United States Olympic Committee, of which I am a Vice President. We also have working relationships with other national athletic organizations which have amateur athletic programs, such as the Amateur Athletic Union, The National Junior College Athletic Association, NCAA, The National Federation of High Schools, as well as the various sports federations in the United States who are recognized by the International Federation, and in which we hold national championships.

NAIA holds 15 national championships each year, with a sports association of advisory committee in each sport to make recommendations on the conduct of their programs to our twelve member NAIA Executive Committee.

Our organization was deeply involved in the Senate Hearings held under the Senate Commerce Committee in an attempt to solve the issues between the NCAA and AAU. It was most unfortunate that, despite the sincere efforts of your committee, little was accomplished because of the refusal of one of the major organizations to accept the decisions handed down by a very competent Senate Hearing Committee led by Mr. Ted Kheel.

Our organization was also asked to appear on two separate occasions to give testimony on the recent hearings held by Representative O'Hara in the

interest of protecting the rights and privileges of student athletes and coaches to participate as representatives of the United States in amateur international athletic events. My testimony centered on the fact that our organization (NAIA) does not sanction nor control the decision of athletes to participate in international competition. This matter is entirely at the discretion of the athlete and the president of the institution which he is attending.

I feel very strongly on some issues in the bill before your committee, as they affect our organization and our athletes, 565 member colleges and universities, and the trends which seem to be common to most of these legislative proposals.

I shall first address myself to O'Hara Bill H.R. 5623:

Since our organization does not in any way attempt to control the rights and privileges of our athletes or institutions to participate in international competition, we would strongly support the passage of this bill. There was, however, some involvement since over 100 of our 565 member institutions hold dual membership in both NCAA and NAIA.

We are deeply concerned at the actions taken by other organizations in using the athletes as pawns for organizational power, with little consideration for the athlete who is caught is caught between organizational edicts. International competition is a favorite force in relations between nations and we must, at all cost, free the athletes from being penalized by what appears to be unfair controls by organizations governing amateur athletes. We believe the passage of this bill will serve a definite purpose in the interest of both the athletes and the United States.

2. Mr. Gravel . . . S. 1690:

One of the most significant and urgent needs is the provision for an enormous number of facilities for the training of our athletes. With the increasing cost of providing for the fair treatment of athletes and coaches necessary to maintain an adequate program to compete in all areas of international competition, including the Olympic and Pan American Games, an economic crisis is at hand.

Our organization would strongly recommend the establishment of such a Commission for a most aggressive development program.

3. Tunny . . . S. 1018, Cook . . . S. 1192, Stevenson S.J. 111, and the Pearson Bill . . . S. 1580:

These bills appear to follow a pattern of establishing "Commissions" appointed by the President of the United States to review the present USOC and organizational structure of amateur bodies responsible for provisions of athletes—including national amateur bodies and sports federations.

Admittedly there is just cause for concern at the conflict and lack of cooperation between organization bodies represented who provide athletes for international competition. However, we have some deep concerns at attempting to solve these problems by politically appointed "Commissions." We would present the following points of view:

a. That the hysteria which has developed over the recent Olympic Games has been used to discredit the USOC and the administrators and coaches involved—and this by an organization which had a preponderance of the coaches and officials in responsible positions. I doubt the sincerity of an organization which, over a period of years, has been dedicated to gaining power control and when unable to gain the advantage goes to the extreme length of using any tactics to gain these ends.

Surely, it is not in the American Spirit to withdraw from the game and refuse the right of participation to athletes and coaches if everything does not go your way.

We need every amateur athlete and organization to cooperate for the achievement of common goals if we are to avoid embarrassment to our country and our athletes. I am fearful of a growing trend toward governmental control of all areas of our society.

b. We are indeed naive if we expect international bodies, composed of over 130 nations with differing values and cultures to readily accede to our wishes and we surely cannot make demands without violent reactions. We are no longer the major influence in the making of international rules and policies.

c. We are aware that the present crises are gradually weakening our amateur strength and that some pressure from outside the present structure is necessary to find a solution to our problems. However, we are hopeful that some solution can be found which will not gradually bring a complete Federal Amateur Administration of our program.

d. We are confident that the present USOC adopted policies, of involving both recently active athletes in the Olympic program and the use of an Advisory Committee from the private sector, will bring a decisive change in the administration of our amateur policies for international competitions.

e. We are aware that the Congress and the public are deeply concerned, but we are fearful that a drastic and sudden change towards control will be a step in the direction of weakening our democratic principles that are necessary to maintaining our influence through athletics.

f. We are witnessing a rapid growth in the saturation of our society by professional sports organizations. We have no quarrel with professional sports, but amateurism can readily be choked dry and even our best athletes will not be able to meet intranational competition on any fair and equitable basis. We must take every means to promote our amateur programs or even the professional programs will suffer.

g. In my judgment, having been involved in the Olympic program for the past 20 years and as a member of the Board of Directors for 10 years, the major cause of the seemingly endless conflict is the "power Voting" organizational structure. This has brought a continuous struggle for power by the more prestigious athletic organizations. Voting strength has been based upon fundamentally sound policies:

(1) That national governing bodies which hold membership in international governing bodies have the majority voting strength. This has been and continues to be the policy of International Federations in setting policies for national governing bodies.

(2) The struggle for power between the private sector and the college membership has caused tensions for the past 35 years. However, it has been critical the past 15 years. It has been the conviction of NAIA that the administration of amateur athletics at the international level is not the function of the educational organizations and the college community. Few nations have the strong influence of educational institutions and thus, the international rules are based upon the premise that college coaches and administrators are considered "professional." The basis for this concept is that those of us in educational programs are paid for their service and are not considered "amateur" by the IOC rules.

NAIA wishes to commend the Congress for taking an active interest in the solution to the problems of maintaining a strong amateur sports program. We would be happy to render any service which would contribute to a solution of our present problems, but we are in hopes that this can be accomplished by strong leadership from within. Changes are being made at a rapid rate from within the USOC. It will take time for great changes to become evident in international sports governing bodies. Again, we are hopeful that the pressures of your proposed actions will bring the changes necessary by citizens committees (with your support) which will work WITHIN the present structure, which we feel is basically sound. We hope Federal control will not be the result.

The conduct of the Olympics, Pan American Games and other international competitions must represent the highest ethical and moral concepts of sportsmanship and fair play. This must be accomplished immediately by the return to a basic concept to be held by all nations—"Athletics must be free from political motives and not centered on winning at all costs." The USOC must exert a direct and strong effort to insist that the ideals of DeCoubertan be the major emphasis in the Olympic, Pan American Games and all international competitions.

I thank you for the privilege of presenting these points of view of our organization and hope they will be of some value in strengthening amateurism in the United States and throughout the sports world.

RESTATEMENT OF POSITION AND PROJECTION OF POLICY BY THE MEN'S TRACK AND FIELD COMMITTEE OF THE AMATEUR ATHLETIC UNION OF THE U.S. VIS-A-VIS THE NCAA

The AAU, at the specific request of the U.S. Senate, has reluctantly accepted the Kheel Arbitration Committee's decision as a viable instrument to bring peace and order to the athletes and the sport of Track and Field. In the opinion of the AAU the Arbitration Committee's conclusions constituted a

signal victory for the NCAA and arbitrarily stripped the AAU of many of its traditional and legal prerogatives. Nonetheless, the AAU intends to abide by these conclusions and exceedingly regrets the NCAA's refusal to accept them and earnestly wishes their reconsideration, so that all elements of Track and Field may get on about their business, each unhampered within its own proper sphere of influence, and each deeply concerned about the protection of the athletes' eligibility, collegiate and international.

In projecting our modes of action and establishing future policy, we stand ready to make further accommodations and to define areas of legitimate concern as an expression of good faith, in the hope that the NCAA can be satisfied short of the total destruction of the AAU.

We recognize the legitimate and proper concern of the NCAA in fulfilling its educational role to require NCAA certification of non-college events in its effort to prevent the exploitation of student-athletes by unscrupulous promoters, so long as required conditions do precisely that and are not weapons of repression. On the side, it needs to be pointed out that NAIA colleges and many NCAA institutions either do not recognize this need of accreditation or feel they are better able to determine the suitability of a given meeting for their students through the expertise of their own athletic directors and/or coaches than can the Special Events Committee of the NCAA, which currently lacks a track expert on its membership. Some of these universities have had ancient honored programs long before the creation of an ECAC or NCAA, and are founders of both as well as the AAU itself. They continue to resent any attempt by either side to manipulate them as pawns in a power struggle. With this aside expressed, we do recognize the fact the many NCAA members do welcome and support the intervention of the NCAA in their behalf.

We do recognize as a legitimate means of protection the NCAA's requirement of a financial statement from the Meet Directors. We welcome this added surveillance and pledge our full cooperation in action against those meets which use amateur athletes, students or non-students for improper financial gain.

We feel that a USTFF sanction adds no function to the NCAA accreditation and no additional protection to the student-athlete. Intended or not, such sanction represents to us a threat of repression or a weapon of overkill strength in a continued war of destruction. As time passes, we trust we will find these fears groundless and expect the granting of these sanctions by the USTFF to be fairly automatic without prejudice or precedent to any necessary findings of the Special Events Committee of the NCAA.

Once again to restore peace and to protect the collegiate eligibility of the individual student and/or his college or university, we have encouraged all AAU Meet Directors to seek NCAA accreditation and USTFF sanction. We are requesting all local AAU districts to recognize dual sanctioning and to take no action to refuse or to remove an AAU sanction because of the existence of an USTFF sanction.

If our good faith is abused and we receive no indication of cooperation by the other side and we become convinced that our destruction is the aim of the NCAA, it will be time to reconsider our above actions rather than to surrender our franchise.

We recognize as we always have all forms of domestic interscholastic and intercollegiate competition as closed and of no concern of the AAU. We recognize and will endorse without question the declaration of the amateur status of all students by their own and/or delegated authority.

We recognize the right of the USTFF to hold any competition without reference to the AAU if such competition is closed to "students" under the Kheel definition.

We are directing all local districts of the AAU when requested, to grant AAU sanctions to the USTFF when it wishes to sponsor "open" competition. No unusual, repressive conditions or unfair fees may be applied. Such sponsorship by the USTFF, sanctioned by the AAU, shall be deemed prima facie evidence that all international requirements are met.

It is our fervent wish that the NCAA and the USTFF join with us in protecting the individual. We can go no further; neither pride nor selfish interest has prevented us from this generous solution.

We state as fact and not as a threat the most recent publication of rules by the I.A.A.F. "The following conditions shall apply to all World Records:

4) . . . e). the record must be made in a bona fide scratch competition which has been duly fixed and advertised . . . and the race has been sanctioned, recognized or certified by the I.A.A.F. member for the country in which the event was held. And Rule 53: "The following persons are ineligible to take part in competitions under *International Athletic Federation Rules* . . . Any person who, since reaching the age of 16 (I) to (IV) . . . (XL) has taken part in any track and field event which is not sanctioned, recognized or certified by the I.A.A.F. Member in the country in which the event is held."

Such suspension is automatic and applied by the I.A.A.F. so that any athlete, domestic or foreign, student or non-student, who competes in open events(s) not sanctioned by the AAU of the USA forfeits all future international competition. Specific examples are Olympic, Pan American, Hemisphereic, Pacific Nations, Americas vs. Europe, USA vs. Commonwealth, vs. USSR, vs. Germany, indoors or outdoors, FISU, Maccabeah Games, etc., etc., and lifting of such suspension is beyond the power of the AAU and is reserved to the I.A.A.F.

Is it too much to ask the USTFF to request AAU sanction which will be cordially and immediately granted? Or will the USTFF remain adamant and prove to all that it really is only a weapon to destroy the AAU at whatever cost to country, or to the sport or to the individual? At least and at last the prime responsibility for the loss of freedom is placed squarely where it belongs.

We further suggest that the Ted Kheel Co-Ordinating Committee be revised for the purpose of implementing the above and for ruling on particular problems should they arise.

Prepared, presented and moved by Robert Giegengack.

Unanimously carried by (1) Men's Track and Field Committee—December 6, 1968; (2) Executive Committee of A.A.U.; (3) Board of Governors, A.A.U.—December 7, 1968

DEPARTMENT OF PHYSICAL EDUCATION AND ATHLETICS,

DUKE UNIVERSITY,

Durham, N.C. January 19, 1971.

MR. BOB GIEGANGACK,
Track Coach
Yale University
New Haven, Conn.

DEAR BOB: This is the report of the "Ad Hoc" committee on the Tom Hill record-USTFF vs. AAU dispute. On Tuesday, January 12th, Bill McClure and I contacted Carl Cooper by telephone to discuss the possibility of USTFF submitting the record for approval.

Carl Cooper said in effect, 1. That the 1970 USTFF Meet did not qualify as a "closed" meet (in AAU terms) because athletes such as Randy Matson did compete. Therefore these "non student" athletes would make it an "open" meet in the eyes of AAU even though he and the USTFF did consider it a "closed" meet, since only USTFF "constituents" took part. (Semantics and interpretation of the Kheel Commission!) He could not and would not certify that the 1970 USTFF was a closed meet (in terms of the AAU). 2. That he could not and would not request a sanction from the Missouri Valley AAU, even though it would be given without fanfare and on a retro-active basis. Carl said he had been given these instructions by his Executive Council composed of Cooley, Crowley, Byers, etc. and if "he would request said Missouri Valley AAU sanction he would be fired tomorrow."

Bob, I am convinced that Carl believes in Track and Field foremost, but unfortunately he is not a free man in making these decisions. Carl has always been honest and above board in all my dealings with him and he did not deliberately mislead the USTCA, Executive Committee members in attendance at the USTCA Executive Committee meeting (Bowerman, Canham, McClure, Griak, Buehler, and 15 more) were not aware that the battle lines had been redrawn and the feud restarted.

Sincerely,

AL BUEHLER,
Track Coach.

U.S. TRACK AND FIELD FEDERATION,
Tucson, Ariz., April 16, 1973.

ROY J. SILVA,
A.A.U. Commissioner,
Track and Field,
North Carolina Association
Lenoir, N.C.

DEAR SIR: I am enclosing a Request for Sanction for your 1973 Senior Men's Region 3 A.A.U. Track and Field Championships to be held June 1 and 2, 1973.

It will be necessary for you to fill out this form and request sanction from this office before and N.C.A.A. member universities and colleges can compete in your meet. After sanctioning by this office, it will be necessary for you to request certification from the National Collegiate Athletic Association whose address is U.S. Highway 50 and Nall Avenue, P.O. Box 1906, Shawnee Mission, Kansas 66222.

You should be aware that certification by the N.C.A.A. office is predicated on it not being required for an athlete or college or university to purchase A.A.U. cards for entry into your meet.

I want to wish you success in presenting this meet and from the information available to me, it appears that it will be a good one.

Yours in Track and Field

CARL W. COOPER,
Executive Director.

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, May 17, 1973.

Mr. FREDERICK SAMARA,
Philadelphia, Pa.

DEAR MR. SAMARA: As the University of Pennsylvania officer responsible for determining the eligibility of student athletes to enter intercollegiate competition, I have been obliged by virtue of the University's membership in the National Collegiate Athletic Association to make an investigation of your participation in the Russian-American track meet sponsored by the Amateur Athletic Union in Richmond, Virginia last March 16, 1973, in respect to the constitution of the NCAA. My investigation has revealed that there is basically no dispute of the facts. You did participate in the track meet knowing that the NCAA prohibits participation in extra events which are not certified.

The rules of the NCAA are clear enough: Article III, Section 9 provides in pertinent part as follows:

Section 9. Principles Governing the Eligibility of Student-Athletes.

An institution shall not permit a student-athlete to represent it in intercollegiate athletic competition unless he meets the following requirements of eligibility:

(g) He shall be denied eligibility for intercollegiate track and field competition, if, while a candidate for the intercollegiate team in track and field, he participates in track and field competition which is subject to the certification program specified in Bylaw 2, but which has not been certified.

The Russian-American track meet was such a competition. In order to follow the NCAA rules, the University has no choice but declare you ineligible for intercollegiate competition.

The University has done its very best to avoid declaring you ineligible. We have looked for alternative solutions to the problem to the Amateur Athletic Union, the Eastern Collegiate Athletic Conference, the United States Congress and the NCAA itself. We have also consulted extensively with counsel. However, none of these avenues have proved fruitful, and it has been made very clear to us by the NCAA that if we do not act, and act promptly, concerning your participation, the NCAA will take action against the University. Indeed, I have been informed that the NCAA has already listed with its Infractions Committee a case against the University. In view of the draconian remedies which the NCAA can bring to bear upon the University (such as occurred in the recent Yale University case) and the harsh affects such remedies could have on hundreds of University student-athletes, the University must act. Accordingly, I hereby declare you to be ineligible as of today for intercollegiate competition.

Although I find no way the University can avoid taking this action, I share with you the view that the application of this rule to you in this case makes no sense. The NCAA constitution states in Article II, Section 2 the fundamental policy of the organization:

(a) The competitive athletic programs of the colleges are designed to be a vital part of the educational system. A basic purpose of this Association is to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body, and, by so doing, retain a clear line of demarcation between college athletics and professional sports.

I do not see how this basic purpose has been undermined in any way by your participation in the Russian-American track meet. On the contrary, it seems to me that your participation in a competition with Russian athletes has furthered education, as well as other aims, and in no way has muddled the distinction between amateur and professional athletics.

Furthermore, as has been widely reported in the press, the fundamental cause of this situation in which you are caught is in fact the ongoing dispute between the NCAA and the AAU. Had the AAU applied for certification of this track meet, as they did in the case of a Russian-American basketball game, the NCAA (as reported in the opinion in *Samara v. NCAA*, Civ. No. 104-72-A (E.D.Va., filed Mar. 16, 1973)) would have granted such certification, there is reason to believe it might have been given.

I take some solace from hearing that your counsel may seek legal remedies following this decision. I regret sincerely that the University must take this action but under the circumstances we have no other choice.

Sincerely,

ALICE F. EMERSON,
Dean of Students.

U.S. OLYMPIC COMMITTEE,
New York, N.Y., May 4, 1973.

HON. WARREN G. MAGNUSON,
Senate Office Building
Washington, D. C.

DEAR SENATOR MAGNUSON: During recent months the news media has given much attention to the interests of the legislative branch of our Government in amateur sports organizations in the United States. Several of the items I have read would lead me to believe that there is much confusion and misunderstanding relative to the functions and responsibilities of the United States Olympic Committee.

Accordingly, for your information and assistance, the following paragraphs represent the area of responsibility of the USOC and its official activities.

The United States Olympic Committee (USOC) is recognized by the International Olympic Committee (IOC) as the National Olympic Committee (NOC) for the United States of America. As such, the USOC is basically limited to carrying out the responsibilities of NOC as franchised by the IOC and is subject to the various rules and regulations of the IOC.

The major effort of the USOC is dedicated to arranging for the participation of our nation's athletes in the Olympic and Pan American Games, each of which are held once every four years.

Contrary to popular belief, the USOC does not exercise authority or control over the day-to-day management of the various amateur sports programs throughout the nation, nor does it get involved in determining the policies or planning of such programs. Those functions are conducted by organizations such as educational institutions, sports governing bodies, the Boy Scouts, church groups, the Armed Forces, etc.

Not only is the USOC the sole recognized USA organization for entering athletes in Olympic and Pan American competitions but it also must motivate the public to contribute the necessary funds to finance developing, selecting, training, transporting, housing and feeding, clothing, equipping and administering the large U.S. delegations which quadrennially take part in the world's greatest international amateur sports festivals. There is no federal funding assistance, nor has it ever been sought by the USOC. It is the only major NOC which can claim this distinction.

The United States Olympic Committee's status as a National Olympic Committee, as recognized by the International Olympic Committee, dates

back to 1894, just prior to the Games of the I Olympiad, first in the modern series as projected by Baron Pierre de Coubertin.

Then, as now, to qualify as a NOC, the applicant for IOC approval had to demonstrate that the membership of its organization included the national affiliates of international federations governing the sports on the Olympic and Pan American programs in which the NOC would be entering athletes. Further, the USOC's own constitution, then, as now, guaranteed that these national affiliates of international sport federations would have the majority vote in its deliberations. This is a requirement of the IOC which is set forth in its Rule 24 (a copy of which is attached as exhibit #1).

Currently, the USOC lists 212 organizations as members. We believe this constitutes the broadest and most democratic representation that has been achieved by any NOC. Our membership, however, can be broadened further with the reentry of major colleges to our fold. We are most interested in having them rejoin and have requested that they meet with us to discuss how this can be accomplished.

Of the entire USOC membership, the "A" group holds the voting majority since within it there are the representatives of 27 international sport federations as required by the IOC rule #24. The Amateur Athletic Union is a member of this group and holds affiliation with nine international federations; namely, athletics (track and field), basketball, bobsled, boxing, judo, luge, swimming (including diving and water polo), weightlifting and wrestling. Also in Group A are 18 other affiliates of international sports federations. They are the Amateur Bicycle League of America (ABLA); Amateur Fencers League of America (AFLA); Amateur Hockey Association of the United States (AHAUS); American Canoe Association (ACA); Field Hockey Association of America (FHAA); Modern Pentathlon and Biathlon Association (USMPBA); National Archery Association (NAA); National Association of Amateur Oarsmen (NAAO); National Rifle Association (rifle, pistol, skeet, clay pigeon (NRA); North American Yacht Racing Union (NAYRU); United States Figure Skating Association (USFSA); United States Gymnastics Federation (USGF); United States International Skating Association (speed skating) (USISA); United States Ski Association (USSA); United States Soccer Football Association (USSFA); United States Team Handball Federation (USTHF); and United States Volleyball Association (USVBA). A graphic portrayal is attached as exhibit #2.

All of the above representatives to the USOC Board of Directors which, in reality, is the working arm of the USOC. Other appointments to the Board come from member organizations in Group B such as the National Association of Intercollegiate Athletics (NAIA); National Federation of State High School Athletic Associations (NFSHSAA); National Junior College Athletic Association (NJCAA); the four branches of the Armed Forces, and others, including seven members-at-large from the ranks of athletes of recent U.S. Olympic teams.

The Board, which numbers 60 in all, sets the policies for the quadrennial period and delegates authority to a number of standing committees for the discharge of specific duties such as finance, Olympic development projects, legislation, membership and the like.

A most important assignment goes to the Games Preparation Committee which must plan, organize, and operate the participation in the Olympic and Pan American Games. Divisions of this Committee are in apparel, supplies, and equipment; food and housing; ticket sales and purchases; transportation; medical and training services.

The Games Preparation Committee works closely with 39 sports committees, ranging from athletics (track and field) to yachting. Eleven of these provide Olympic opportunity to both men and women; six others are specifically for women only. These sport committees, made up from appointments (the majority of which come from the national sport governing body involved, with the remainder by other national organizations), have the responsibility of determining the methods by which athletes are selected for the various Games and by whom these athletes will be supervised, such as managers, coaches, team leaders, etc. Once the selection methods are approved by the Games Preparation Committee and subsequently the Board, the sport committees move to the actual determination of team or squad personnel, arrange that the athlete are certified by the respective national sports governing body for final entry by the USOC. These sport committees also devise and effect de-

velopment projects designed to upgrade the Olympic talent potential within their sports.

Except for the Olympic House staff, all those involved as officers, Board members, sport committeemen, coaches, managers, trainers, etc., serve without pay, even at the site of the Games as members of the official delegation, albeit that these expenses are carried by the USOC. Sport committeemen also pay their own expenses to the meetings of their respective groups.

Olympic House involvement with the activities of the USOC, the sport committees, and, in recent Olympiads, with the physical management of pre-Games assembly centers and team headquarters at Games sites, has quadrupled in the last decade. The important task of fund-raising has become an intensive as well as extensive operation, with budgets soaring as each sport requires more financial aid, time, and supervision to produce a representative team at the Games.

Yet, in the final analysis, those selected by the respective sport committees to head up the sports unit as team leader, coach, or manager, must accept the responsibility of supervision, guidance, and preparation of the athletes chosen to represent the United States so that team morale remains high and the individual athlete, assured that the daily routines are adequately handled, can devote his time and energy to the fulfillment of his personal aims—that of doing his best in the sport of his choice.

To that end, the officers and the Board of Directors are pledged to improve team conditions and team leadership to the highest level possible.

The USOC was incorporated in September, 1950, under an Act of Congress (Public Law 805) but provisions of this law pertain mainly to the operation of the USOC as a tax exempt organization in the pursuit of the highest goals of amateur sport. However, only the International Olympic Committee can grant the authority to serve as a National Olympic Committee.

I trust the information in the preceding paragraphs will provide you with a clear understanding of the activities of the USOC.

Sincerely,

PHILIP O. KRUMM,
President.

Attachments.

NATIONAL OLYMPIC COMMITTEES, RULE 24

Only National Olympic Committees recognized and approved by the International Olympic Committee can enter competitors in the Olympic Games and the qualifying rounds. Therefore, in order that contestants from a country or geographical area can participate in the Olympic Games, a National Olympic Committee must be composed of at least five National Federations. These Federations in turn must be active members of the International Federations governing their sport on the Olympic program. The National Olympic Committees must also conduct their activities in accordance with the Olympic Rules and Regulations and the high ideals of the Olympic Movement in order to be recognized by the International Olympic Committee.

National Olympic Committees have as their purpose, the development and protection of the Olympic Movement and of amateur sport. They shall cooperate with the national amateur sport governing bodies (National Federations) affiliated to the International Federations recognized by the International Olympic Committee, in guarding and enforcing the eligibility rules. They have the exclusive right to use the Olympic flag and Olympic emblem, and shall confine their use and that of the words "Olympic" and "Olympiad" to activities concerned with the Olympic Games. All commercial use of the Olympic flag and Olympic emblem is strictly forbidden. It is their duty, in cooperation with the National Federations to organize and control the representatives of their country at the Olympic Games. They arrange to equip, transport and house these representatives.

They are organizations formed not for pecuniary profit, but devoted to the promotion and encouragement of the physical, moral and cultural education of the youth of the nation, for the development of character, good health and good citizenship.

National Olympic Committees must not associate themselves with affairs of a political or commercial nature.

The rules and regulations of the International Olympic Committee shall be incorporated in the rules and regulations of National Olympic Committees and shall be enforced by them in their respective countries or areas.

The I.O.C. will consult the National Olympic Committees on the basic problems concerning the Olympic Movement in general and the activities of the N.O.C.s in particular. The latter can make proposals to the I.O.C. concerning the progress of the Olympic Movement and the sound organization and operation of the Olympic Games. All important problems connected with the N.O.C.s will first be discussed with them and then submitted to the Sessions of the I.O.C.

Because of the importance of National Olympic Committees which are in complete charge of the Olympic Movement in their countries, great care must be exercised in choosing members, who should be citizens of the country and men of good standing, of upright character, sound judgement and independent mind, with a knowledge of and a belief in Olympic principles.

They must include in their membership:

(a) the members of the International Olympic Committee of that country if any, who shall be ex-officio non-voting members of the Executive Board (or its equivalent) unless they have been elected to membership thereon;

(b) representatives of the National Federations, which are members of International Federations whose sport is included in the Olympic program. These Federation representatives shall be of their own choice and must constitute a voting majority of the National Olympic Committee.

The following are not eligible to serve on a National Olympic Committee:

1. A person who has ever competed as a professional.
2. A person engaged in or connected with sport for personal profit. (It is not intended to exclude individuals occupying purely administrative positions in connection with amateur sport.)
3. A person who has ever coached sport competitors for payment.

Exceptions may be made in the above categories by the Executive Board of the International Olympic Committee in special circumstances on the recommendation of the National Olympic Committee concerned.

A National Olympic Committee must not recognize more than one National Federation in each sport and that Federation must be affiliated to the International Federation recognized by the International Olympic Committee.

Officers or Members of a National Olympic Committee or the members of its Executive Board (or its equivalent) shall be elected at least every four years, at a National Olympic Committee meeting held expressly for that purpose. Governments cannot designate members of National Olympic Committees.

They may co-opt to the Committee, delegates of other amateur sport organizations or persons who have rendered or can render exceptional service to the Olympic Movement, subject to the restriction in clause b. (above). Members of National Olympic Committees shall accept no salary or fee of any kind in respect of their position. They may, however, accept reimbursement for transportation, lodging and other proper expenses incurred by them in connection with their duties.

National Olympic Committees are responsible for the behaviour of all members of their delegations.

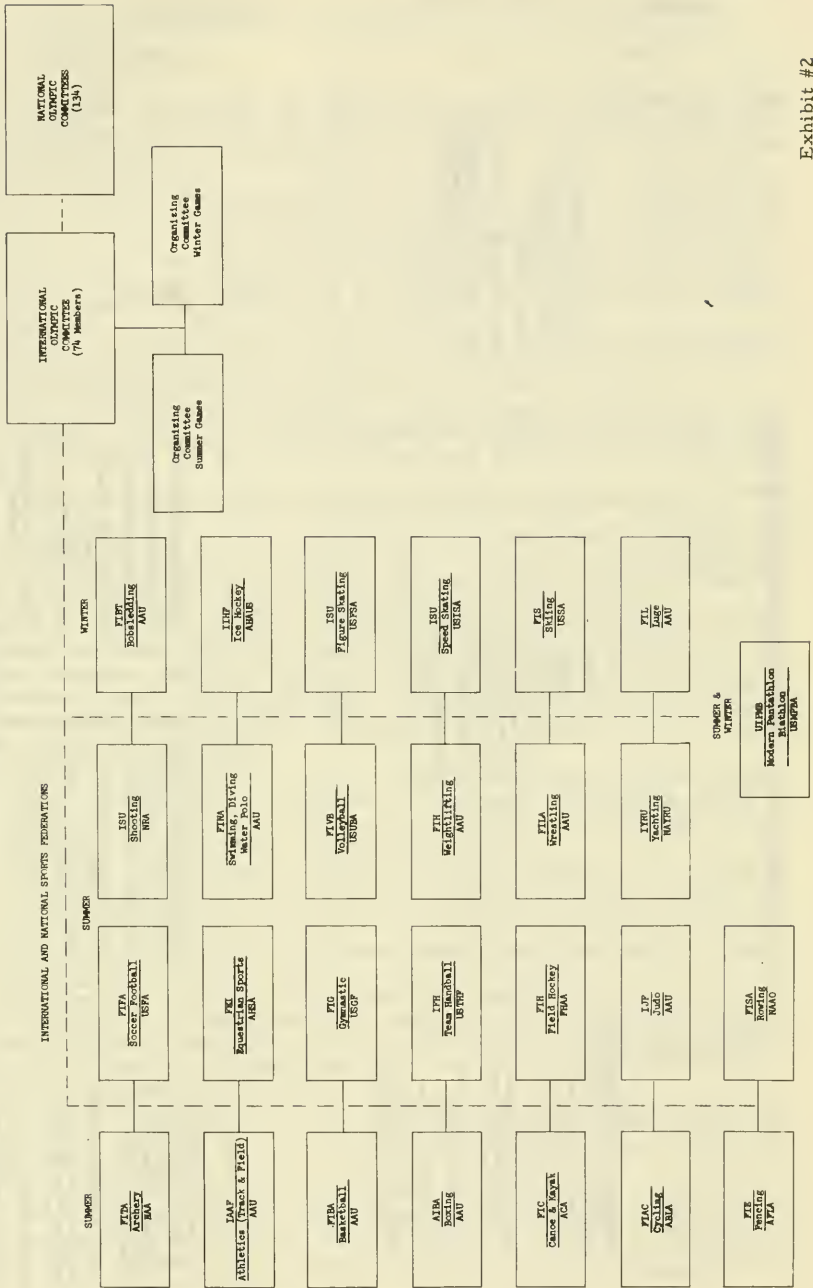
They make all arrangements for taking part in the Olympic Games.

All communications on such matters shall be addressed to them.

In order to obtain recognition, a certified copy of the Rules and Regulations of a National Olympic Committee, with, if necessary, a translation in French or English, certified correct, must be approved by the International Olympic Committee. Subsequent changes of these Rules must be reported to and approved by the International Olympic Committee. Certified copies of the minutes of National Olympic Committee meetings at which the members and officers are elected or changed must be submitted to the International Olympic Committee on request.

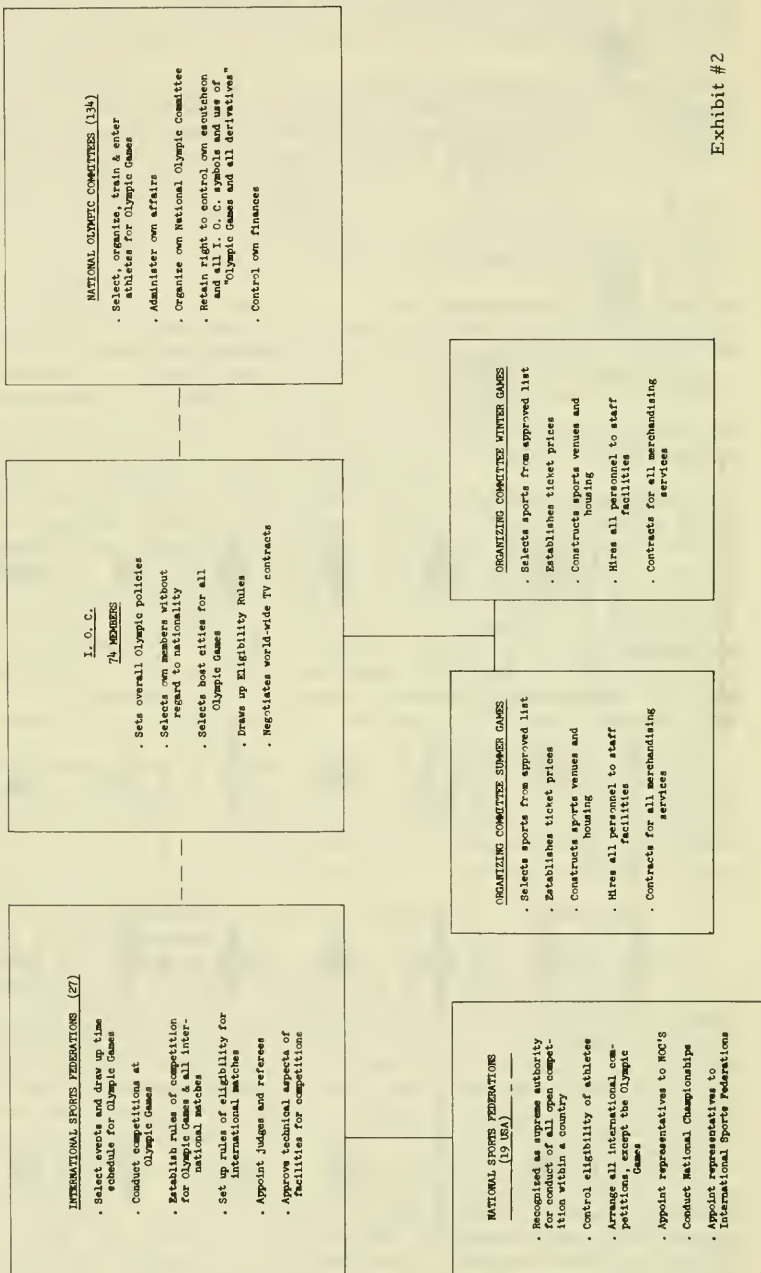
In the event of any regulations or actions of the National Olympic Committee conflicting with International Olympic Committee Rules, or of any political interference in its operations, the International Olympic Committee member in that country must report on the situation to his President for appropriate action. If there is no International Olympic Committee member in the country, it is the duty of the members of the National Olympic Committee to report to the International Olympic Committee, whose President has the power to appoint a member from another country to investigate and report.

CONSTITUENT BODIES CONCERNED WITH THE OLYMPIC GAMES



Add'l. Info: _____

FUNCTIONAL ORGANIZATION CHART OF CONSTITUENT BODIES CONCERNED WITH THE OLYMPIC GAMES



FOREST HILLS, N.Y., *May 21, 1973.*

THE COMMERCE COMMITTEE,
U. S. Senate
Senate Office Building
Washington, D.C.

DEAR SENATORS: Regarding the amateur sport and the question—how best can it serve our country and the people—it seems to me that the first clue can be found by looking at the sport from the economic perspective. Something along the following lines . . .

We are blessed with a system which has been proved the best ever developed by the society of any nation. Thanks to freedom of initiative, the system thrives of fresh ideas. To remain strong, we must still be aware that—even as the growth of bureaucracy crowds away our freedom—even so does over-emphasis on commercialized-to-the-limit professional sport, weaken our energies. An antidote to this comes from amateur sport.

It is said now, that amateur sport should be a public concern. Evidence that the private sector still should be given preference in solving this public-problem comes again from the principles which are already proven—

We can't have freedom without a free economy—free initiative and competition. This, our system guarantees. Freedom is also the most blessed thing in life for each individual, and it has peculiar characteristics—

First, full comprehension of freedom escapes the human, until he loses it.

Second, freedom is also most misunderstood and taken for granted. We are all proud of our free country, but how many act as though they wished to lose it in a hurry, not understanding the fact that freedom can't be sustained without individual effort and sacrifice.

Efficiency of our free market guarantees success of any endeavor. Each individual can prove this for himself by observing the opposite camp, the socialist countries—how they are more and more seeking the ways of the free market in their economic effort to avoid complete failure of their system.

It seems, then, that the only problem to be concerned about in our system is that the private sector be not crowded out by government growth—which always would be unplanned.

As witness to that, the fact stands that along with changing times, changing social, political and technological environment, the private sector is making a voluntary effort, for the sake of survival and sustaining of freedom, to relieve the government of some of its tasks.

To repeat—the economic reality compels us in these times to recognize the great need of the private sector to lessen the task of government by getting into public-problem solving—this theory provides a reason for the federal government to withdraw direct involvement and grant, rather, a helping hand to the private sector's search for entries into the public-problems, of which one could be the amateur sport.

As matters now stand in the amateur sport itself, it seems that the primary task needed is restoration of a balance between the amateur sport and the professional sport—this, in order to utilize the amateur sport's healthy and positive assets, to counter the forces eroding our freedoms and, thus, helping to strengthen our system.

The attached presentation on the subject of amateur sport gives some views on the problems with which the amateur sport must cope in the present time. If there is any negative atmosphere, it seems it has been politically motivated.

In conclusion, the economic background and the situation in amateur sport would favor the kind of federal government involvement which would give the private sector a helping hand in its search for ways of entering the public-problem solving field. A case in which the amateur sport and recreation present such a chance for the private sector could be produced in the field of winter sport and recreation.

A case could be presented as to what ingredients are necessary for a private sector to act in a dual role—one, operating for profit; and two, solving at the same time the most urgent problems in winter sport and recreation, such as—

controversies of recreationists versus environmentalists;
improving the image of amateur sport and the Olympic movement;
showing the way for our athletes how to achieve excellence in inter-
national competition, etc.

Needless to say, any help which would be desired of me, I am offering gratis as a public service.

Sincerely,

JOSEPH DURA.

Attachment.

INTER-SKI, INC.,
New York, N.Y., August 14, 1972.

AMATEUR ATHLETE AMBASSADOR OF GOOD WILL ABROAD . . .

There were 43 American amateur golfers participating in this year's British Amateur Golf Championship. The Championships were organized by Royal St. George's Club of Sandwich, England. Although the Americans did not do too well, their participation generated a great enthusiasm and happiness, which was summed up in the organizers' simple statement, "We couldn't do without Americans."

Among the nations abroad the American amateur athlete, be it in golf or any other sport, is an effective and well-accepted good will ambassador. Whether this will be noticed here by the public is another matter. Ordinarily, such events do not reach the sports front pages in daily newspapers—as though good will, effort, organizational skill, entertainment and whatever else the sport brings with it, were secondary, when coming from the amateur organization.

PROFESSIONAL SPORT AND ITS ADVERSE EFFECTS . . .

Today's performance of amateur sport, its ideals and values, seem to be overshadowed by the glamor and success of professional sport, built, through Television exposure, into the biggest business in the entertainment field. All of us enjoy a game a team sports as a healthy respite from the worries of daily life, and praise Television for its technical additions to the game (i.e., instant replay, stop action, split screen) and acknowledge the improvements its brings to players, equipment, education of spectators, etc.

The fascination is such that hardly any attention is paid to the adverse effects of commerce in sports:

unionized ballplayers, strikes, overlapping sport seasons . . .

clamor for less effort and exercise, and more comfort—why play if we can watch the game on Television . . .

glare of TV lights obscuring the values our society attributes to the sport—participation and uniting force, education and building of moral tissue for our youth; etc.

Particularly, objectiveness in evaluating the individual sports seems to be impaired for some sports writers and broadcasters, especially those dealing daily with professional spectator team sports. They seem inclined:

to favor that all amateur sports should follow the pattern of professional sports . . .

to look upon the amateurs as a vanishing class, and choose, rather, the professional athlete as a national hero, even though he may be a draft dodger, etc., and a disgrace to our society.

Professional sport, commercialized to the limit, is leaving a doubtful impression on youth—perhaps, a lost sense of proportion. This, together with affluence when available too early in life, and tolerance when turned into permissiveness, is responsible for creating a mood that considers thrift, neatness, discipline of honest work, etc., as old-fashioned virtues, and builds up a climate that helps the enemies of our system and our society in their effort to tear down the established values upon which our country is built.

AMATEUR SPORT AN ANSWER TO PRIVATE SECTOR SEARCH FOR A BASIS ON WHICH TO
ENTER PUBLIC-PROBLEM SOLVING FIELD. . .

Facing the climate we are experiencing at this time, these major questions arise:

how to restore equilibrium in the sport. . .

how to find a way for amateur sport to again effectively perform its function in our society.

These questions should be answered from a broad, economic perspective:

We have our free enterprise system—proved best in the world; our freedoms—never attained by any other system; our free market—the efficiency of which guarantees success of any endeavor. It seems then that the only problem to be concerned about, is that the private sector be not crowded out by Government growth, growth which undoubtedly will always be unplanned.

For its own sake, then, and for its survival, the private sector must assume the effort of relieving the Government in its task of public-problem solving.

Some may call this—adapting the market system to changing social, political and technological environment—a process which in a practical sense can be defined as—effort of corporate business and industry to function as a constructive force in our democratic society.

That this be a voluntary and natural process, a corporate continuous study is necessary not only to pinpoint the area for each category of business and industry in which help could be executed; but, to determine that such area is the closest possible in line with the major corporate operation.

On one hand, then, we recognize the great need of the private sector to lessen the task of Government by getting into public-problem solving,—on the other hand, the need for restoration of balance in sport in order to utilize the amateur sport's healthy and positive assets, to counter the forces eroding our freedoms and, thus, help to strengthen our system.

The amateur sport will be presented here from that perspective—to provide for corporate business and industry one of the bases on which to enter the field of public-problem solving. The field will be examined for some industries to that extent.

We will concentrate on one sport—that is, skiing, for two reasons:

for one—the ski sport offers immediate entrance for corporate business and industry into the public-problem solving field. . .

for two—skiing is the only sport among the major individual sports which is basically amateur from the nature of the sport—competitive skiing does not evoke the spectator's interest as do the other sports; rather, it inspires the millions to participation as recreational skiers. This characteristic alone can lead to the belief that the sport will remain amateur and will perform better, as amateur. And, from past and present experience, it is already known that the professionals can't improve the amateur game of competitive skiing—the feature is inherent within the nature of skiing, as will be pointed out later.

This irrevocable truth speaks for itself, and it is reasonable to expect that it will be accepted and followed—especially by those who consider themselves experts on skiing.

If that should occur—the promoters, who are engaged in building up the professional counterpart of amateur competitive racing, would reverse themselves and would join the forces towards strengthening organized amateur skiing.

In this way strengthened, amateur organized skiing will have a much better chance to help our ski athletes achieve excellence in international competition—and, in addition, it will have a greater opportunity to direct the natural abilities of the sport towards greater readiness to perform the multiple functions our society has assigned to the amateur sport.

To serve the sport as such, this must be completely understood by the general public, by corporate business and industry, and by the public administration.

INSIGHT INTO COMPETITIVE SKIING

For most Alpine ski racers, as well as Nordic competitors, skiing starts early in life, usually at the age of six, when school begins in the Alpine mountainous regions—Scandinavian mountains and flats, and the northern parts of America. From the start, it is simply a game, sort of competing—whenever they meet each other, or gather in a group—to be faster down the mountain, faster cross-country, to make longer jumps, etc. With love of the mountains and their birthplace, there is instilled in the blood of the youngsters, additionally, love of the sport, which compels them to participate, especially those who show enthusiasm and athletic skill in the games of competitive skiing, in local championship meets.

Outside the home, school and local clubs, as parts of the national amateur ski organization, usually provide tutelage, and help the youth develop his athletic skill. This has proved to be the only right and effective arrangement.

Such help allows the youthful athlete time for decision-making regarding his adult life—avoids the cruelty of forced decisions at an early age when the youth is still in the formative years.

Showing results, the youth, still a junior athlete, is stimulated to take part in the Olympic Games; in other words, it will become apparent to him in due course that the Games bring with them social and promotional values.

The Olympic medal and code (which stipulates that the athlete will compete with his equals—those who enjoy the game for the sake of it) on the one hand—on the other, love of the sport, of the mountains, love of their inner circle—family, neighbors, birthplace and country—are the forces which give the youth strength and stamina to weather the gruelling training and sacrifices the achievement of excellence in ski sport demands.

In general, this picture of competitive skiing governing forces is up-to-date, although in the last decade the Alpine ski competition has undergone substantial change. The explosion of Alpine skiing—its mounting popularity, and the economic necessity of the Alpine nations dependent on winter sports, have produced fierce competition among those nations for the recreational skier. They have transformed competitive skiing, inspiring a duel for the Alpine World Cup between Alpine nations and America. Thus, the yearly Alpine World Cup championship tour has come into being.

Competition for the prestigious Cup pushed the youthful athletes into the most demanding, modern and technically sophisticated methods of training and competition. Intricate modern equipment even necessitates the presence of manufacturers' technicians at each game. While decades ago, the local school and club, as part of an amateur organization, sufficed as a means of help in training, and supplied the equipment to bring the youth into contention, a sudden demand for more time in training, and more equipment expense, have produced problems for the youth beyond his capacity to solve. These problems, taken over by the organized amateur ski sport himself as governed by the Federation Internationale de Ski (FIS) proved entirely difficult to solve: conflict on eligibility to compete developed—the International Olympic Committee (IOC), the amateur sport governing body allowing only one month in which the athlete could recover time lost in training and other expenses.

It is apparent that Europe and the rest of the free world will attempt to remain firmly in the amateur mold in skiing. What that means, among other things, is: national amateur ski organizations in each country responsible for development of new talent and help throughout the training and competition period, with the vision of the Olympic Medal as the ultimate for the aspiring youth in skiing, etc. Thus, the number one item in mind of the amateur organized skiing will remain the coordination of effort for redefining the Olympic code to allow the athlete to be sustained during a longer period of training and competition, especially in Alpine racing, than is now the case.

"OPEN" TOURNAMENTS ISSUE, "OPEN" SKIING . . .

In the United States, unlike in Europe, the Alpine World Cup and, in general, Alpine ski racing, have not been influenced in any way by economic conditions. The controversies over amateurism in ski sport have brought a different reaction—they have brought voices calling for "open" ski tournaments and "open" Olympic Games, where professionals and amateurs would compete alongside each other, as in golf and tennis.

The voices for "open" ski sport seem to assume that in the two sports mentioned—golf and tennis—the "open" system is working perfectly well. This provokes major questions. . . .

is ski sport so similar in nature to golf and tennis that by following the pattern of those two professional sports, it would obtain the same end results?

Would "open" skiing bring any advantages to the sport?

To answer these questions, we shall first review briefly these two sports:

Golf, as a sport is an entity unto itself. Having many prominent sportsmen-businessmen in the ranks, the smooth transition of golf to "open" tournaments was secured in the first place, as was unimpaired development of new talent. To win, the game requires that at all times the player possesses the highest qualities, superb skill, consistency and stamina.

Tennis—the transition period to "open" tennis still seems unfinished; there is still no apparent improvement in the game either. In "open" tennis, it is not always the best who compete in the game; and development of new talent is considerably hampered. It seems that the sport will never be the same again.

However, in comparing skiing with golf and tennis, the crux of the matter is the longevity of the competing stars.

The competing life of a tennis or golf star lets it perpetuate. Years of competing may add flavor to the game, may make the game more diversified, inspiring and richer, permitting the athlete to stay on the top for years.

Would that be possible in ski racing? Hardly! We know ski racing is more demanding and risky—the inherent part being total effort, risk, daring, enthusiasm and dynamism, which belong exclusively to the domain of youth. That such things cannot be perpetuated in ski racing has been confirmed by the greatest ski stars.

Thus, while nothing whatsoever is held against professionals in skiing, the true essence of the sport must be acknowledged—professionals can't improve the game of competitive skiing. To hold—that, as in golf and tennis, professional skiing, in the form of a strong professional team of racers or jumpers, could be perpetuated, improving the game with years, is unrealistic.

The "head-to-head race" on parallel courses, introduced by professionals some time ago, can't be considered an improvement of the game of competitive racing.

The realization of the fact that in skiing, unlike in any other game, professionals can't improve the game, may have many consequences: It would be practical for our country to keep the sport in the amateur mold, together with the rest of the free world; and it may help amateur skiing find its place in the sun on domestic ground.

It also means that professional racers couldn't help the sport if Winter Olympic Games were to be made "open." This single point, alone, will suffice as a reason to vote against "open" Winter Olympics.

WINTER OLYMPIC GAMES—CONTROVERSIES OVER THE ELIGIBILITY OF THE ATHLETES . . .

Winter sports were added to the Olympic movement in 1924. France's Chamonix opened the first Winter Olympic Games. The dispute between IOC and FIS over the eligibility of amateur ski athletes to compete in the Winter Olympics, had an early start but reached the serious stage after the 1968 Winter Olympic

Games in Grenoble. As has been mentioned before, the economic necessity of the Alpine nations producing fierce competition in Alpine racing, forced new demands on the athletes in training, and expenses for equipment, travel, etc.

The dispute can be summarized as a continuous effort on both sides: on the side of IOC, to accommodate the ski sport without, however, compromising on the issue of capitalizing on the athletic skill of the competitor; on the side of FIS, to allow modernization in competitive skiing while preserving the amateur status.

In the latest developments, it could be observed that, although the FIS toughened its eligibility rules, such rules are still below the Olympic code. Thus, the effort on redefinition of the amateur code is going to be continued. Whether that produces an extension of time for the ski athlete for training and competing, is anybody's guess.

It is really a paradox that skiing (the only sport which is basically amateur and by its very nature destined to remain amateur, which means—it can be utilized to its maximum in the role our society is assigning to amateur sport in general) is pictured as most villainous, with hypocrisy charges hanging over the heads of the confused athletes.

Each time the Olympic Year approaches, amateur sport, particularly skiing, automatically becomes the target of the daily press. These attacks would be nothing special to talk about were it not for the purpose behind them. Unmistakably, in each case, it is either a straight or camouflaged promotion of "open" tournaments and "open" Olympic Games. Even the attack "shamateurism" from the amateur sport circle itself, is losing its legitimate meaning when advocating the change; "open" tournaments and "open" Olympic Games. All this is misleading the public—the public has no opportunity to ascertain what the change would bring with it. Would it benefit the sport and the people? Would the accusers know how to build a better world of sport, as they know how to destroy an institution which the sacrifices and efforts of many generations have built?

A sports writer who has been sending the Winter Olympic Games to cold storage, proclaims that "pure amateurism is now an anachronism and there are virtually no amateurs left in the world of sports." The ambiguity of such a statement is obvious.

Can any pure "ism" be totally achieved in practice by humanity? In the world of amateurs in sport, the amateur membership is a hundred times larger than the professional—they may not reach the top in competitive skill to perform—but performance is not all—participation is!

In final analysis, the critics of amateurism and advocates of "open" Olympics can be divided into two groups:

One group deals with, and operates within, the professional circle of the sports. They seem to be overwhelmed by the commercial success of the professional sport and believe that professionals, through TV insistence on excellence, will help some achieve in individual sports; thus, believing that including professionals in the Olympics will give us an edge over other nations. That is toying carelessly with an issue, but possessing only a vague conception of it.

The other group of advocates of "open" Olympics subscribe to a liberal and leftist political and economic philosophy that actually places them in the camp of the enemies of our society and our system. Generally, they are skillful with the pen and will always choose the crowd pleasing arguments when they use the sports issue for their political ends.

The argument frequently used by both groups is that Russian athletes are professionals (citing hockey, where the same team plays the year round), each of the athletes being a State employee. The State is no doubt capitalizing on the sport, using it for propaganda. However, the athlete, having no freedom of choice, has limited possibilities of capitalizing on his skill.

The Olympics are primarily a free world championship but, we extend our hand to the Communist athletes, in recognition of the social force and unification value of the Olympics.

Our athlete is free to choose—either to be paid for his athletic skill, thus being a professional; or to earn his livelihood in another field and practice the sport for the sport's sake, being rewarded, if he reaches top form, with the Olympic Medal.

The Olympic award reflects the value our society bestows on amateur sport as a social force which prepares the young generation to become positive members of our society, teaching discipline, building character and moral tissue in the youth.

The Olympics are the respite of mankind in sport from the materialistic dogma—the symbol of togetherness in sport of the youth of all nations. The Olympics are a youth competition: they glorify youth, their unselfish devotion to the sport, their discipline, effort and sacrifices of many years with one dream in mind, the Olympic Medal, symbol of achievement, which they will cherish for the rest of their lives.

“Open” Olympics will mean relegation of this symbol of unity and the greatest spectacle in sports on earth, to the status of merely another international tournament.

Only as long as we cherish and recognize those values will we be able to maintain our freedoms and system—that is why the enemies put so much effort into destroying this institution of free society.

Past experience, as shown briefly, clearly favors the theory—that skiing is one of those individual sports where professionals will not be improving the game of competitive skiing.

What will this theory mean? First, for the inner circle of ski sport—it will mean that a strong league of professionals in the game of competitive ski racing is unrealistic; thus, an amateur athlete who is turning professional will, rather, be better off to join the effort with others in activities aiming towards strengthening the amateur organized skiing.

For the outside circle, this theory, in its general aspect, should open a broader spectrum on sport for the communication and broadcasting media—as it will permit the limelight to be turned with the same magnitude from individual achievement (as in a professional game) to team effort, with the emphasis placed on all the aspects vital to team work.

What will this theory mean for the TV industry? It should provide inducement for one or two of the networks to step into amateur skiing and provide confidence that the move will be profitable and will be well accepted by the public. With the present effort of the private sector to function as a more constructive force in our society, the move will be interpreted as such an effort—but voluntary—since it will be giving, in the first place, more of a balanced picture of the sport to the public, which is of great importance for the country in the present climate favoring professional sport.

The theory, if followed by TV, will have still more significant and beneficial impact on the quality of ski area accommodations for the recreational skier. It will relieve to some degree the state and federal administrations in their struggle to provide improvements for the winter recreationist. Just how the relief will come about, is a lengthy matter for presentation.

Briefly: the last few decades have witnessed an enthusiastic acceptance of the ski sport by the public. Demand has been so great that the growth of the industry was an instant success. It was, rather, an unplanned and undirected growth. Now that the popularity of the sport is firmly established, an improved product can be returned to the public—the market is ready.

Regarding the ski industry's winter ski resort development, the road toward an improved product, as we know, is partially obscured by environmental problems. Improvement can be achieved, however, despite the serious problems. Synchronization of effort is required, effort of the ski industry with amateur organized skiing and public, state administration and federal agencies. The clue to such cooperation can be provided by the TV industry acting as an eye opener into the realm of amateur skiing—an area Television has not yet tested, but for which a specific project is available.

In summary—we are blessed to have a system which has been proved the best ever developed by any society. Thanks to freedom of initiative, the system

is thriving on fresh ideas. To remain strong, we must still be aware that—even as the growth of bureaucracy crowds away our freedoms—even so does over-emphasis on commercialized to the limit professional sport weaken our energies. An antidote to this comes from amateur sport.

JOSEPH K. DURA.

AMATEUR ATHLETIC UNION OF THE UNITED STATES, INC.,
June 12, 1973.

MR. ARTHUR J. BERGSTROM,
Secretary, NCAA Extra Events Committee,
Shawnee Mission, Kans.

DEAR MR. BERGSTROM: This acknowledges your letter dated June 7 which was on my desk Monday, June 11, and I appreciate the action by your Extra Events Committee. Obviously, your letter is for the benefit of our Congressional leaders since it is the first communication initiated by your organization of a direct nature since my connection with AAU.

You will remember that there have been repeated attempts by AAU leaders to pinpoint and solve the differences between our organizations, and our past president, Jack Kelly, myself, and Richard Harkins did travel to Knoxville, Tennessee, during May of 1971 where informal discussions were held with Dr. Ramer, then NCAA president, Bob Woodruff, Athletic Director, University of Tennessee, and Chuck Nienas, from the NCAA offices. These talks only served for NCAA to reiterate their position and no further contact has been made since.

We annually send information to your NCAA office dealing with our national conventions and once-allied membership. As a matter of fact, your Executive Director, Walter Byers, was invited to address our delegates in convention there in Kansas City last November, but no reply was received. During this same convention, Jack Kelly, AAU President, dropped by your offices for a personal visit with Mr. Byers, but his secretary reported he was out of town. So you can see there has been repeated attempts by AAU to settle our problems for the benefit of the athletes and the nation.

A good example of our willingness to cooperate for the benefit of the sport of Track & Field is our "Restatement of Position and Protection of Policy by AAU Track & Field Committee." Of course, there was no reciprocation from NCAA. A copy of our position at that time is enclosed.

You will also remember it was not the AAU that decided to embark upon a self-destructive program of American athletics in 1960—instead it was the NCAA with its "ineligibility legislation" that provoked the present situation.

We expected some type of delay to our certification request, since there has been difficulty in past years. For instance, in 1972, Carl Cooper, Executive Director of USTFF, lost the application and a second one was filed June 5, only 10 days prior to the meeting and approval was granted. In 1971 AAU did not file a report with USTFF but only to NCAA yet the meet was cleared by everyone. Therefore, your actions on this particular case follow true to form. You did not mention in your letter that a telegram was sent to your office on May 17, 1973, requesting certification for this 1973 championship meet.

Obviously, our request would be upsetting to you since one of your creations—the United States Track & Field Federation—has been ignored, yet throughout the recent hearings on H.R. Bill #7919, you insisted there was no connection between NCAA and USTFF. As a matter of fact, Carl Cooper indicated on March 19, 1973, before the Special Education Committee, that his organization could sanction meets without NCAA's certification, yet on April 16, 1973, in a letter to one of our meet sponsors, he indicated that NCAA approval was required before his organization would sanction the meeting. A copy of Carl's letter is enclosed.

The AAU has always recognized the right of National Collegiate Athletic Association, National Association of Intercollegiate Athletics, National Junior Collegiate Athletic Association, and National High School Federation to conduct competitions among their members as "closed" competition. If you will read the aims and purposes of each, you will find they make rules for only their members and not for "open" competition. You feel the AAU should have the sanction of the USTFF to conduct a championships for this nation; even the AAU has a history of conducting championships for 85 years. Yet the USTFF

has refused to ask or accept a sanction from the AAU for its championships conducted in Wichita, Kansas, for the past couple of years. To crystalize the USTFF's position, I enclose a copy of a letter from Al Buehler, head track coach of Duke University, then president of the U.S. Track Coaches Association and an AAU representative to the USOC Track Committee, in which he said Carl Cooper would be fired immediately if he made a request for AAU sanction. In reality, you should let this organization stand on its own provided it has such an effective and worthwhile program.

Your reasoning in paragraph three is interesting, since you feel we should ask for USTFF sanction because it has been done before. Yet in paragraph four you accuse the AAU of "questionable motives" in Richmond, Virginia, at the second annual USA/USSR indoor dual track meeting. You will remember there was a similar competition there in 1972 and conducted without NCAA certification—therefore, the same argument can be and was used in that instance for not applying to NCAA. NCAA had nothing to do with the meet in 1972, so why should they have anything to do with the 1973 meeting? You will remember there were also "questionable motives" of the USTFF, since two different applications were received from their office for that meet, each containing different information—one application indicated in item number 7 that national teams required no sanction from USTFF, and a second had that particular phrase crossed out. A copy of both applications are enclosed for your information and those receiving copies.

A review of the recent opinion and order issued by Judge Bryan in Alexandria, Virginia, will readily reveal that suit was by two student athletes, Samara and Walker vs. NCAA.

Our records indicate those athletes were advised, by their attorneys, of the total situation and, after major consultation with their university officials, made their own decision. Both student athletes are past the age of 21 and extremely capable of their own decision making process. It should be pointed out that a total of eight college athletes were selected for that meeting and only the two above mentioned chose to represent their country since that obviously meant more to them than restrictive rules made by NCAA.

For the benefit of everyone, I am sending a copy of Judge Bryan's opinion and order on that particular case along with this letter as well as a copy of the original restraining order against NCAA. Each will be able to see relief was ordered for those two athletes. It should be reported that the University of Pennsylvania and Adelphi University subsequently and reluctantly took action against Samara and Walker at the insistence of NCAA, which placed the universities in an intolerable situation as revealed by University of Pennsylvania's letter to Fred Samara which is attached. However, their eligibility was restored as soon as it was learned an injunction for relief as ordered was being sought in the same court.

May I also call your attention to the opinion and order which incidentally was issued without prejudice, and deals with the Sherman Anti-Trust Act. Judge Bryan indicates, "The legal jump from the theory of a group boycott to the one at hand is not a long one: however, this is not the case to make that jump. This is at best an indirect *threatened* group boycott." Had AAU been a plaintiff in that case it is apparent the result might have been different.

We continue to be committed to aid any athlete legally that has been denied or pressured into staying out of competition. We also support any federal legislation that provides for the rights of athletes which is H.R. Bill #7919's intent. Incidentally, that bill goes before the full Education and Labor Committee this week and your organization certainly is not opposed to an individual university making a decision for its athletes, staff, and facilities, which is exactly what the H.R. Bill #7919 calls for.

It has repeatedly been mentioned that NCAA is in existence for its members and so is AAU—as a matter of fact, I would think that 90% of your members also belong to the AAU, which means the track and field subsidiary of 8.7 million is for that sport in this nation rather than an aggrandizement of the NCAA. This is especially true since most of these members receive state or federal funds which really come from the people and their taxes support those universities.

There is one additional area I would like to touch on before finishing, and that has to do with American athletes who are students during a school year but free of collegiate jurisdiction during their vacation period. You are aware that practically every university has already conducted graduation exercises and these athletes are not again students until they begin to attend classes in the fall. You, therefore, can understand our request for certification has been to "keep pace" rather than complete a mandatory application. We seriously doubt if any court would rule that NCAA's jurisdiction could reasonably be extended beyond a regular school year.

We could also list more than 142 events and organizations that have cooperated for many, many years with the AAU and their sanctioning policy.

I have discussed Mr. James's request for a meeting with our president, and due to our heavy schedule, June 25 will be the most agreeable date. Could you let me know who serves on the Extra Events Committee and if each will be present. You must realize we have encouraged each organization which conducts AAU events to cooperate with the NCAA since the opinion and decision of the Congressional Board of Arbitration on Track & Field (Kheel Commission), which expired, incidentally, on February 1 of this year.

It is our hope more can and will be discussed at the June 25 meeting than certification.

Best regards,

OLLAN C. CASSELL,
Executive Director.

[From the New York Times, Feb. 9, 1972]

TOP TRACK TEAM QUILTS THE A.A.U.—PACIFIC COAST CLUB PLANS TO JOIN RIVAL FEDERATION

LOS ANGELES, Feb. 8 (AP)—The Pacific Coast Club, one of the nation's most powerful track and field teams, resigned today from the Amateur Athletic Union, its head coach, Tom Jennings, said.

Jennings said he had sent a letter of resignation to the Southern Pacific Association of the A.A.U., saying he planned to join the rival United States Track and Field Federation, an affiliate of the National Collegiate Athletic Association.

"What this really means," said Jennings, "is that it'll save me about \$100 a year in membership dues. That's all it will mean. It won't even slow down the operation of my team."

Warren Emery, president of the Southern Pacific A.A.U., said he wasn't surprised at the action, since Jennings had been suspended by the organization "for statements detrimental to the A.A.U."

SUSPENSION CALLED 'JOKE'

Jennings has been at odds with the national governing body for track and field for years, but this is his first complete break.

He said his suspension "was a joke. They said I was making remarks detrimental to the A.A.U., but all I was doing was telling the truth."

He said that out of about 270 voting members, a quorum of 10 per cent was needed to suspend an individual and he said the vote against him was 21 to 7, with one abstention.

Jennings said the Pacific Coast Club would affiliate itself with the U.S.T.F.F. because "every meet sanctioned by the A.A.U. is also sanctioned by the federation. This won't affect the athletes at all."

Included among Jennings's 35 team members are the indoor record-holder in the shot put, Al Feuerbach; three sub-four-minute milers, Tom Van Ruden, John Mason and John Lawson; a hurdler, Paul Gibson, and five discus throwers who have surpassed 200 feet.

GROWTH IN NCAA CHAMPIONSHIP EVENTS, 1947-1973



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